nations that have volunteer forces. Though these armies are small, not having the great global responsibilities of the American forces, they provide enviable examples of high effectiveness, low turnover and contended officers. Lieut. General A. M. Sharp, Vice Chief of the Defense Staff of Canada, contends that freewill soldiers are "unquestionably going to be better motivated than men who are just serving time."

PHANTOM FEARS

Civilian reservations about volunteer armed forces also focus on some fears that tend to dissolve upon examination. Some critics have raised the specter of well-paid careerists becoming either mercenaries or a "state within a state." Nixon, for one, dismisses the mercenary argument as nonsense. The U.S. already pays soldiers a salary. Why should a rise in pay—which for an enlisted man might go from the present $2,900 a year to as much as $7,300—turn Americans into mercenaries? Said Nixon: "We're talking about the same kind of citizen armed force America has had ever since it began, excepting only in the period when we have relied on the draft." The Pentagon itself rejects the Wehrmacht-type army, in which men spend all their professional lives in service.

Nixon has also addressed himself to the possibility that a careerist army might become a seedbed for future military coups. That danger is probably inherent in any military force, but, as the President-elect points out, a coup would necessarily come from "the top officer ranks, not from the enlisted ranks, and we already have a career-officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential." Nixon might have added that conscript armies have seldom proved any barrier to military coups. Greece's army is made up of conscripts, but in last year's revolution they remained loyal to their officers, not to their King.

Might not the volunteer army become disproportionately black, perhaps a sort of internal Negro Foreign Legion? Labor Leader Gus Tyler is one who holds that view; he says that a volunteer army would be "low-income and, ultimately, overwhelmingly Negro. These victims of our social order 'prefer' the uniform because of socio-economic compulsions—for the three square meals a day, for the relative egalitarianism of the barracks or the foxhole, for the chance to be promoted." Conceivably, Negroes could flock to the volunteer forces for both a respectable reason, upward mobility, and a deplorable one, to form a domestic revolutionary force.

As a matter of practice rather than theory, powerful factors would work in a volunteer army toward keeping the proportion of blacks about where it is in the draft army—11%, or roughly the same as the nation as a whole. Pay rises would attract whites as much as blacks, just as both are drawn into police forces for similar compensation. The educational magnets, which tend to rule out many Negroes as too poorly schooled and leave many whites in college through deferments, would continue to exert their effect. Black Power militancy would work against Negroes' joining the Army. Ronald V. Dellums, a Marine volunteer 13 years ago and now one of two black councilmen in Berkeley, opposes the whole idea of enlistment as a "way for the black people to get up and out of the ghetto existence. If a black man has to become a paid killer in order to take care of himself and his family economically, there must be something very sick about this society." But even if all qualified Negroes were enrolled, the black proportion of the volunteer army could not top 25%. Nixon holds that fear of a black army is fantasy: "It supposes that raising military pay would in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike."

One consideration about the volunteer army is that it could eventually become the only orderly way to raise armed forces. The draft, though it will prevail by law at least through 1971, is under growing attack. In the mid '50s, most military-age men eventually got drafted, and the inequities of exempting the remainder were not flagrant. Now, despite Viet Nam, military draft needs are dropping, partly because in 1966 Secretary of Defense Robert McNamara started a "project 100,000," which slightly lowered mental and physical standards and drew 70,000 unanticipated volunteers into the force. Meanwhile, the pool of men in the draftable years is rising, increasingly replenished by the baby boom of the late '40s. Armed forces manpower needs have run at 300,000 a year lately, but they will probably drop to 240,000 this year. On the other hand, the number of men aged 19 to 25 has jumped from 8,000,000 in 1958 to 11.5 million now—and will top 13 million by 1974. The unfairness inherent in the task of arbitrarily determining the few who shall serve and the many who shall be exempt will probably overshadow by far the controversies over college deferments and the morality of the Viet Nam war. In the American conscience, the draft-card burners planted a point: that conscription should be re-examined and not necessarily perpetuated. The blending of war protest with draft protest, plus the ever more apparent inequities of Selective Service, led Richard Nixon to move his proposal for a volunteer army to near the top of his priorities.

HEALING TENSIONS

The position from which to start working for a volunteer army is that, to a large extent, the nation already has one—in the sense that two-thirds of its present troops are enlistees. Neither Nixon nor anyone else visualizes a rapid changeover. The draft will doubtless endure until the war in Viet Nam ends, but it could then be phased out gradually. After that, the draft structure can be kept in stand-by readiness, thinks Nixon, "without leaving 20 million young Americans who will come of age during the next decade in constant uncertainty and apprehension."

If Nixon and his executive staff can move ahead with legislation and the new Secretary of Defense prod and cajole his generals and admirals, the new Administration will go far toward its aim. A volunteer army might help ease racial tension, perhaps by ending the imbalance that has blacks serving in the front lines at almost three times their proportion in the population and certainly by removing the arbitrariness of the draft that puts them there. The move would also eliminate the need to force men to go to war against their consciences, and end such other distortions as paying soldiers far less than they would get if they were civilians, or forcing other young men into early marriages and profitless studies to avoid the draft. Incentives, substituted for compulsion, could cut waste and motivate pride. Not least, a volunteer army would work substantially toward restoring the national unity so sundered by the present inequalities of the draft.

SENATE—*Tuesday, January 14, 1969*

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, the Reverend Dr. Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, grant us the mind and will to worship Thee not only in the sanctuary on one day but in our daily duties every day. So wilt Thou direct us, O Lord, in all our labors and further us in all our endeavors, that what we do this day may begin, continue, and end in Thee, to the advancement of Thy kingdom. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 13, 1969, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEMBERSHIP AND SIZE OF STANDING COMMITTEES

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask that it be read.

The PRESIDENT pro tempore. The resolution will be read.

The legislative clerk read the resolution (S. Res. 13) as follows:

S. RES. 13

Resolved, That rule XXV of the Standing Rules of the Senate be amended as follows:

In paragraph (a) (dealing with the Committee on Aeronautical and Space Sciences) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "fifteen".

In paragraph (b) (dealing with the Committee on Agriculture and Forestry) of subsection 1 of rule XXV, strike out the word "fifteen" and insert in lieu thereof "thirteen".

In paragraph (c) (dealing with the Committee on Appropriations) of subsection 1 of rule XXV, strike out the word "twenty-six" and insert in lieu thereof "twenty-four."

In paragraph (e) (dealing with the Committee on Banking and Currency) of subsection 1 of rule XXV, strike out the word "fourteen" and insert in lieu thereof "fifteen".

In paragraph (f) (dealing with the Committee on Commerce) of subsection 1 of rule XXV, strike out the word "eighteen" and insert in lieu thereof "nineteen".

In paragraph (g) (dealing with the Committee on the District of Columbia) of subsection 1 of rule XXV, strike out the word "eight" and insert in lieu thereof "seven".

In paragraph (i) (dealing with the Committee on Foreign Relations) of subsection 1 of rule XXV, strike out the word "nineteen" and insert in lieu thereof "fifteen".

In paragraph (l) (dealing with the Committee on the Judiciary) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "seventeen".

In paragraph (m) (dealing with the Committee on Labor and Public Welfare) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu thereof "seventeen".

In paragraph (o) (dealing with the Committee on Public Works) of subsection 1 of rule XXV, strike out the word "sixteen" and insert in lieu therof "fifteen".

The PRESIDENT pro tempore. Under the order of yesterday, the Senate will now proceed to the consideration of the resolution.

The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, what is the situation with respect to time?

The PRESIDENT pro tempore. Each side has 1 hour, beginning with the first Senator recognized.

Mr. MANSFIELD. Mr. President, I yield no more than 5 minutes out of my time for the purpose of suggesting the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDENT pro tempore. The Chair understood the Senator from Montana to say that he yielded 5 minutes for a quorum call. The call of the roll has not been completed, but it has proceeded for 5 minutes. Does the Senator desire to yield further time, or does he desire that the order for the quorum call be rescinded?

Mr. MANSFIELD. Mr. President, if the distinguished minority whip is not prepared to start discussion, I would suggest that we continue the quorum call, with the time to be taken equally from each side.

Mr. SCOTT. We are ready.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. SCOTT. I yield 5 minutes to the distinguished Senator from Hawaii.

The PRESIDENT pro tempore. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. Mr. President, I ask that the resolution now pending be amended as follows:

That the third paragraph, reading "In paragraph (c) (dealing with the Committee on Appropriations) of subsection 1 of rule XXV, strike out the word 'twenty-six' and insert in lieu thereof 'twenty-four,' " be stricken.

That the seventh paragraph, which reads, "In paragraph (i) (dealing with the Committee on Foreign Relations) of subsection 1 of rule XXV, strike out the word 'nineteen' and insert in lieu thereof 'fifteen,' " be stricken.

The PRESIDENT pro tempore. Did the Senator send the amendment to the desk?

Mr. FONG. Mr. President, I have not. It is a verbal amendment.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Hawaii (Mr. FONG) proposes to delete sections of the resolution dealing with paragraph (c) applying to the Committee on Appropriations and paragraph (i) dealing with the Committee on Foreign Relations.

Mr. FONG. Mr. President, I ask for a rollcall vote on my amendment.

The PRESIDENT pro tempore. The Senator from Hawaii has asked for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FONG. Mr. President, I strongly object to the resolution reducing the total membership of the Committee on Foreign Relations from 19 to 15 and the Committee on Appropriations from 26 to 24.

The history of the committees' memberships indicate a need to retain the present numbers. In 1953 the Foreign Relations Committee membership authorization was increased from 13 to 15; in 1959 it was again raised from 15 to 17; and in 1965 it was raised to 19 where it has remained. The Appropriations Committee was authorized 27 members in 1959; in 1967 it was reduced to 26 members where it has remained.

It is well accepted that these increases were voted to give the junior Democrat members of the Senate an opportunity for membership on these very important committees.

One of the arguments advanced for reducing the size of these committees is that they are presently unwieldy. However, for 10 years the Foreign Relations Committee operated with over 15 members. During that period the committee membership was even raised to 19. If it is unwieldy now with 19 why was it not unwieldy 10 years ago when the membership was first increased over 15.

The Appropriations Committee membership was increased to 27 in 1959 and then in 1967 it was dropped to 26. So for over 10 years it operated with 26 or more members. If it is unwieldy now with 26 members why was it not so 10 years ago when it was initially increased. The facts proved that this argument is absurd. Furthermore, the areas of Government operation have increased tremendously and we need the counsel and expertise of other Members of the Senate on these committees.

This proposed reduction coming on the heels of substantial Republican gains in the Senate is wholly partisan in nature. It will seriously hurt not only the new Republican Senators, but the new Democrat Senators as well. In fact, it will adversely affect every Senator who does not hold a position of leadership or seniority.

These are those Democrat and Republican Senators who can be referred to as the "forgotten middle classes." These Senators number approximatly two-thirds of the total Republican Senators, and, I believe, a greater number of Democratic Senators. It is of greater detriment to Republican junior Senators than to Democratic Senators as the Republican assignment to committees is based primarily on seniority.

The PRESIDENT pro tempore. The Chair advises the Senator from Hawaii that his time has expired.

Mr. SCOTT. Mr. President, I yield an additional 3 minutes to the Senator from Hawaii.

The PRESIDENT pro tempore. The Senator from Hawaii is recognized for 3 additional minutes.

Mr. FONG. Mr. President, by decreasing the number of members on the Appropriations and Foreign Relations Committees, we will reduce the number of important committee assignments available. This will force senior Senators to take seats on other choice committees leaving only lesser committees for junior Senators.

Many of our new Senators have had years of experience as Members of the House of Representatives, Governors and legislators on the State level. All I am sure have had important roles in community, national and even international affairs. These men should have the opportunity to use their expertise on choice committees. To deny them this opportunity is a disservice to all of us, to their States and to the Nation. The freshman Senators can be given greater opportunities for service only if the present membership authorizations for the Appropriations and Foreign Relations Committees are retained. To reduce the numbers would injure the Senate down to its most junior Member.

Mr. President, I urge that my amendment be agreed to.

Mr. SCOTT. Mr. President, I yield myself 5 minutes at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, the rules of politics and the rules of government ought to be as infused with a spirit of fair play and good sportsmanship as the rules of the playing field. But in this instance what we are confronted with is the ruthless, cold, and arrogant display of majority power without regard to fair dealing—one of the their favorite terms of recent years—and without regard to the fact that a victory was won by this side of the aisle by the addition of some 10 Senators, or a net gain of six Senators.

How does the rule of fair play work when the results are otherwise? One can look at the 83d Congress and the beginning of the 84th Congress, when a period of majority rule set in for the other party, and for the majority whip, later the majority leader, a very distinguished gentleman who is about to make his farewell amidst all of our best wishes this week. But during the latter's reign, the number of committee places was increased by 43. At a moment of sadness for our side in January 1959, just 10 years ago, when 13 Senators were lost on this side of the aisle, and gained on that side of the aisle, involving 26 committee seats, what did the majority leader at that time do? He added another 14 seats, included in this 43 computation incidentally, to take care of his side of the aisle.

The moment that the laurel wreath of victory descends on a few of our Senators, what happens on the other side of the aisle? Meeting in secret, they decide to deprive us of the fruits of victory and to withdraw it by cutting away some seven places, and later, with the guilty sense of the filcher, provide a couple of places on what might be called not the most important committees.

We are told about the difficulty of obtaining a quorum, the difficulty of get-

ting one more Senator. In my judgment any committee which cannot find one extra Senator around perhaps does not deserve to be meeting at that time.

I submit that what is happening to us here is not fair. I am sure many Senators on the other side of the aisle are not in sympathy with it. I am sure that among influential Members on the other side of the aisle there was opposition within their secret conclave, and I am sure they regret that certain people felt it desirable to suddenly withdraw membership on a committee at a time when the membership was about to be moved to this side of the aisle. What happens? The domino theory works with respect to those who might be otherwise advanced to the accepted committees, regarded with some interest by a great many Senators. But at this moment, the opportunity to move into those committees is denied new Senators, Senators in the entering class of this side, or Senators who entered the Senate 2 or 4 years ago are denied the opportunity to be advanced, or whatever the designation may be, to the committees which they really desire.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. SCOTT. Therefore, Mr. President, we know that the other side has the votes. We know that the votes cast on the other side may be greater in number than the votes cast in their secret meetings. We know, too, that when you do this to us, the time will come when we will hope to be a majority, and when we do, you are inviting a form of compensatory retaliation and you are asking for compensatory reprisal. So if you insist on doing this unfair thing—and I again condemn it as unfair in the extreme, and it is political motivation and unworthy of this great body—then the time will come when those who did it will be the first to regret it.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania allow me?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, I have listened with great interest to the distinguished minority whip. I have noted the threats implied and stated in the words which he has spoken. He has been quite free with some of his charges and some of his labeling. He refers to this side of the aisle as being arrogant. He implies that chicanery has been used to achieve the 57-to-43 ratio on these committees, which is actually what we have agreed to on this side.

I would point out that, speaking of compensatory retaliation—and I use the Senator's exact words—I think he should be a little careful in what he says, because if we are treated in this way, and we happen to be in the position in which his side of the aisle finds itself now, we would feel that we were being treated in the only way possible.

I listened to the distinguished Senator from Pennsylvania on television last Sunday. He made a very eloquent and worthwhile telecast. During the course of that telecast he was asked a question, I believe by Mr. Rowland Evans. In response to that question—and I believe I have the Senator's exact words—the Senator from Pennsylvania said that he "understood the Democratic Steering Committee would bypass the Democratic caucus and take the matter directly to the floor."

Mr. SCOTT. Mr. President, if the Senator from Montana will yield right there——

Mr. MANSFIELD. I yield.

Mr. SCOTT. I am glad to say that I was informed by one of the Members on the Senator's side of the aisle that that was his precise fear. This program was taped several days before the meeting and I expressed the fears which were arising on the Senator's side of the aisle and expressed them accurately.

Mr. MANSFIELD. It was a prerecorded telecast.

Mr. SCOTT. It was indeed, sir.

Mr. MANSFIELD. And so stated.

Mr. SCOTT. Yes, sir.

Mr. MANSFIELD. But I would point out to the distinguished Senator that I am now beginning my ninth year as majority leader, my ninth year as chairman of the steering committee which sets the ratios and selects Members to fill vacancies, and my ninth year as chairman of the Democratic conference, and at no time—I repeat, at no time—has the Democratic conference been bypassed. At no time has an end run been attempted. At all times the cards have been laid on the table. While some of our Members may not be too happy about the assignments they received, most of them are satisfied; but to those who are not satisfied, I want to offer my apologies because it was just impossible, in view of the circumstances which existed, to comply with all the wishes and desires of all the Members.

I would point out, also, that it was the majority leader on the steering committee who made the motion to keep the Appropriations Committee and the Foreign Relations Committee at the levels they were during the past Congress. My motion was defeated. Therefore, I am now in favor of the decision of the steering committee because I believe that by their decisive action on this proposal they have made their voice heard and their decision known.

I make these remarks only to keep the record straight and to refute any and all allegations, implied or stated, that there were any shenanigans connected with the proposals which were arrived at by the steering committee and agreed to, I believe, unanimously by the Democratic conference.

The record will have to speak for itself. I am sure that the Senator from Pennsylvania knows that I am not prevaricating. I have only stated the facts as they are.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. So far as the amendment of the distinguished Senator from Hawaii is concerned, I did offer—I repeat—in the steering committee motions to keep the Appropriations and Foreign Relations Committees at the levels at which they existed during the 90th Congress.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, I must concur in what the majority leader said about the attitude he took with respect to the reduction in the number of these committees. In the course of their first caucus or conference last week, both he and the President pro tempore stepped out and came to my office for a conference with Senator WILLIAMS and myself, and there he reaffirmed what he had to say.

Notwithstanding that, however, I do believe that the resolution should be rejected. I think that experience furnishes the reason for it. I go back to my experience in 1945 and 1946 on the Joint Committee on Reorganization of the Congress. It consisted of six House Members and six Senators. We labored earnestly for a long time. It became known as the La Follette-Monroney committee.

We tried, among other things, to streamline the Congress. The measure contained a lot of other provisions, but we reduced the number of committees in the House from 47 to 19, and reduced the number of Senate committees from 33 to 15.

It was not exactly anticipated as to what was going to take place and perhaps we were unmindful of the fact that this was an expanding Government.

The net result was, after a time, the committees began to proliferate in the form of subcommittees.

As if that were not enough, we began to set up special committees.

As if that were not enough, we began to set up select committees.

At my last count, there are 103 standing, select, special, joint, and subcommittees in the Senate.

Now, frankly, that is a testimony to governmental growth. It is also a testimony to governmental business. I do not know quite what the answer is, but I do know this: it does put an extraordinary burden on some Members of the Senate. There is a very considerable spread now, as a person is called upon to serve on one or the other of these committees.

On the Committee on the Judiciary we have any number of subcommittees. If I remember correctly, I presently serve on six, or, to put it more accurately, I ought to say I try to serve on six. Frankly, it is difficult, when one carries the burdens of the Judiciary Committee, in part, as well as those of the Finance Committee of the Senate.

Now, by this proposal, the Foreign Relations Committee is reduced by four spots. I do not know the reason for the——

Mr. FULBRIGHT. Mr. President, will the Senator yield? I shall be glad to state the reason.

Mr. DIRKSEN. I would like to make this statement first. There are today 10 consultative subcommittees on the Foreign Relations Committee—European Affairs, Disarmament, African Affairs, American Republics Affairs, Economic and Social Policy Affairs, State Department Organizations and Public Affairs, Far Eastern Affairs, International Organization Affairs, Near Eastern and South Asian Affairs, and Canadian Affairs. I just pick out one Member of our side who I know is on the Foreign Relations Committee and serves on the Appropriations Committee. I noted from this little document that we obtained from the Foreign Relations Committee that he serves on four of these consultative subcommittees.

I comprehend, knowing something about the business of appropriations, having served on that committee myself for a long time, that he probably serves on at least several of the subcommittees there. Well, one can come to any conclusion he likes, but I still insist that it is a testimony to Government growth and activity, and obviously there have to be spots on the main committee.

So I did not approve of the reduction that is before us today; namely, one on Aeronautical and Space Sciences; two on Agriculture and Forestry; two on Appropriations; one on Banking and Currency; one on Commerce; one on the District of Columbia; four on Foreign Relations; an increase of one on the Judiciary; an increase of one on Labor and Public Welfare; and a reduction of one on Public Works.

I can understand two of these, because, under the ruling, those two were to lose a member automatically on the first of January. So, in reality, what was done here was simply to make those two spots permanent. But now we are confronted, of course, with the necessity of finding and putting in proper places our new Members. And if there were no other reason for resisting the adoption of this resolution, that in itself would be enough, Mr. President.

I presume the chairman of the Foreign Relations Committee will comment on these 10 subcommittees. I can understand how they are set up and why they are set up—in the hope, of course, that they will specialize in these particular fields. But will someone tell me how one Member can serve on the Appropriations Committee and do full duty to it and then on the Foreign Relations Committee and do full duty to four subcommittees of the Foreign Relations Committee? If that is not an all-time-consuming package, then I do not know what is.

So, in order to make that spread a little easier, I had hoped we could preserve these spots, rather than reduce them.

Statements have been made on the question of a quorum. Let us see. There were 26 members on the Appropriations Committee and it is presently reduced to 24. For a 24 membership, 13 are needed for a quorum, because action cannot actually be taken, under the Reorganization Act, unless a physical quorum is present. Any number can be designated for the purpose of a hearing and one is enough. At a time when I was chairing a committee, I said the committee would meet at 10 o'clock. At 10 o'clock the gavel fell. It did not make any difference whether any other members were present or not; the committee began to do business.

What is the difference? Thirteen are needed for a quorum on a committee of 24. Fourteen are needed for a quorum on a committee of 26. The difference is one. Well, if a chairman cannot get a member out of the woodwork somewhere in order to make a quorum, then there is just something wrong with the structure and the activity of that committee; and I cast no reflection or aspersions upon any chairman whatever. He has to answer that for himself. It is his responsibility.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. Yes; I am delighted to yield.

Mr. FULBRIGHT. The principal reason for the reduction was that the younger Members get so disgusted with the length of the hearings that they do not come. The principal reason for bringing the membership to 15 is to see that it will be sufficiently interesting for Members that they will come. The major problem is getting a quorum. Members on both the Finance Committee and the Foreign Relations Committee will go to a tax hearing prior to going to a Foreign Relations Committee, and it was almost impossible to get a quorum to vote, and we have to have a quorum to report bills to the Senate.

Mr. DIRKSEN. Oh, I recognize that; but during these hearings, particularly when they are exploratory and highly discursive and go off in one direction and then in another, Members come and look in. They are there a little while, and then something of greater importance presses upon them and they leave and go elsewhere.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. DIRKSEN. I yield myself another 5 minutes.

I point out to my friend that the Finance Committee room—and he is on the Finance Committee—and the Judiciary Committee rooms are on the same floor in the New Senate Office Building, only about 10 doors apart. I do not know that there is a time when I am not on shoe leather or roller skates or something else commuting from one committee to the other. In fact, I did it this morning, because, as the Senator knows, we had two Cabinet nominations before us. I could stay for the one; then I had to go to the Judiciary Committee because it was considering the nomination of the Attorney General-designate.

Mr. FULBRIGHT. I think it was a great shame, because we missed the Senator. It was not nearly as effective as when he was there.

Mr. DIRKSEN. I am sure the Senator did miss me. It creates a definite deficit in my knowledge, because I wanted to hear the new Secretary of Health, Education, and Welfare—not that I could give material, but I think he could add to the sum total of human knowledge and erudition.

When it comes to quorums, the difference between 26 and 24 is one, so I do not believe there is any real validity to that argument.

I think these spots ought to be preserved. Probably we made the mistake, back in 1945 and 1946, of cutting these committees back so far that we set in motion the proliferating force, and today we have committees and subcommittees running out of our ears.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. With pleasure.

Mr. FULBRIGHT. The Senator goes back to 1945 and 1946, and says, "You cut them down." The Senator from Illinois and every one of his colleagues who voted, save one, in March of 1967, voted to cut this committee to 15. The Senator from Illinois voted for that. So did the Senator from Pennsylvania. Every Republican except the Senator from Vermont (Mr. AIKEN) voted affirmatively to pass the bill, which provided 15 Members for the Committee on Foreign Relations. So there is no need to go back to 1946. The Senate, in its judgment, in 1967, said it ought to be 15.

Mr. DIRKSEN. It is amazing how mistaken a person's judgment can be. That was just the trouble. I think the general judgment was mistaken. So this is an effort to repair that mistake, now, and go back and pick up the stitches.

I thought we ought to preserve these committee spots in order to make way for those who, by the grace of the electorate or this country, have come into the Republican bosom. Obviously, out of affection and esteem and a regard for our obligations to them, this is what we want to do.

Speaking now in a rather personal political vein, there have been times, Mr. President, when a very close election was underway in a given State, and very often our candidate was under attack by having the opposition raise the cry that he could not get on any good committees. I do not know how many telegrams I have sent out, over the years that I have been minority leader, to assure the people, even in Texas, when JOHN TOWER was a candidate for office, that when he got here, there would be a good spot—in fact, there would be two good spots—for him.

I had somehow or other to keep faith and undertake and do the job of putting him on good committees.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. DIRKSEN. It is amazing how this time runs, is it not? Who says talk is cheap? I yield myself 5 more minutes.

It is amazingly difficult, Mr. President, trying to find spots. I may say to the Senator, I went down to the airport, as I recall, and got Senator TOWER, hauled him up to my office, and asked him about his committees. When he told me he wanted to go on the Committee on Labor and Public Welfare, I said, "Blessed be the name of Texas and you, because I am on the Labor Committee."

When my party does not know what to do with me about committee assignments, I go from one place to another. Once I landed on Interior. I do not know what in the world I should do on Interior, but that is where I landed, because that was the only spot. Then later I landed on Labor and Public Welfare. I am like the "lonesome end"; I go from one place to another.

But notwithstanding that fact, I could give him that committee, and seemingly there were not too many takers for it. But the minute you started for another committee, you were up against this Rock of Gibraltar seniority rule—and it has not been violated nor breached yet.

Incidentally, to all those smart people who write books about Congress and about this awful seniority rule, we wrestled with it for 2 solid years, and we could find no substitute for it that would work. It is the one thing that works. What some of these smart people have in mind is to throw it open for the birds. Well, then you throw it open to a campaign, and every member of the committee will start campaigning, and campaigning for the chairmanship, and it will just depend, then, on how assiduous and diligent some Senator may be as to whether he comes from the bottom right up to the chairmanship, nothwithstanding the years of service that the chairman or the ranking Member may have invested in the work of that committee.

So I see nothing for it except to preserve these spots. And who knows, as we walk down the path under what will be a great and successful administration, under the leadership of Richard Milhous Nixon, but that we may need more spots for committee members, and who knows, we may have to undo this resolution and add members.

So, for the moment at least, I do not want to backtrack. I would rather see this resolution rejected, and that we stand on the numerical committee structure as it is today.

So that, Mr. President, in my judgment is the story.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have the greatest sympathy for the leadership on both sides. I know that all Senators, both new and old, come to them and put them on a very hot spot. I can sympathize with them.

But I wish to review a little bit. Because I suggested this, I want to fulfill my responsibility as far as the Foreign Relations Committee is concerned. I suggested in the committee and we discussed the desirability of having a committee of 15. There was no one in the committee who affirmatively opposed the suggestion. They were not all there, but there were, I think, about 13 or 14 there, and we discussed it. There was no one who affirmatively opposed a reduction. One Member said he thought 17 would be better than 15, and the rest, I believe, who were there agreed to the proposed reduction.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. The Senator is aware that I did oppose it in the committee.

Mr. FULBRIGHT. The steering committee.

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. I am talking about the Committee on Foreign Relations. I know, the Senator is quite right about what he says about the steering committee. I am talking about the first meeting we had this year of the Committee on Foreign Relations; there was one Senator who said, "I think 17 would be better than 15." No one said, "I don't think there should be any reduction."

When I came on the committee in 1949, as a result of the Reorganization Act of 1946, the membership was 13, having been reduced from 23. It stayed at 13 until 1953, when it was changed to 15, which is the size this resolution provides for. Then in 1959, I believe it was, it was increased to 17, and in 1965 to 19. Those increases did not result from a study by any committee; they were simply by a resolution which increased the number; and I do not think at this late date it will help to go into why the number was increased. Maybe it is only coincidental that that increase to 17 immediately preceded the presidential election in 1960.

But in any case, as I pointed out just a moment ago, the bill in 1967, known as S. 355, brought in, as Senators will recall, by Senator MONRONEY from the Special Committee on the Reorganization of Congress, which spent, I think, 2 years studying the matter, was debated at length. It was introduced January 16, 1967, and was debated at great length, practically item by item; and it provided on page 23, that the Senate Committee on Foreign Relations would have 15 Senators.

There was no objection to it. No fight was made on it. As I pointed out, of the Republicans 29, I believe, or 97 percent, voted "yea." Only one voted "nay." All of those not voting, of whom there were six, indicated, I believe, that they were favorable to it and that that is how they would vote.

So the RECORD shows there was only one adverse vote. That particular one, Senator AIKEN, is the ranking Republican today, and he has said he now favors the reduction. So he did not vote against it because of his position on foreign relations; he voted for some other reason. But the Senator from Pennsylvania and the Senator from Illinois both voted for that bill, which provided 15 members on the Committee on Foreign Relations. That bill was the result of long study by the Committee on the Reorganization of Congress; so I submit that the proposed reduction has a very legitimate background.

As to the merits themselves, I have been chairman, now, since 1959, and we have had a great deal of criticism because of the size of the committee, particularly in the last 2 years, from the members of the committee themselves.

The Senator from Illinois mentioned the difficulties of obtaining a quorum. The Senator from Alabama (Mr. SPARKMAN) the other day—he is not here today—testified or said before the steering committee that when I was absent last summer, in behalf of an election in my State, it was almost impossible for him to obtain a quorum. He had almost the same difficulty I have had, for various reasons, but among others the size of the committee. The size of the committee makes it very difficult for the junior members to have time to be heard. The Senator from Minnesota (Mr. MCCARTHY) the other day intimated as much in his conversation. He was a junior member of the committee since 1965, and it was very often impossible to reach him in time to allow him to question witnesses.

Quite often we have been unable to complete our hearings in the usual morning time allocated to us. That has made it difficult for Members on either side. Unless we went over until the afternoon, some Members never got a chance to have a reasonable question period. This has made it very difficult, not only while I have been chairman, but prior to that time, when Senator Connally was chairman, when Senator George was chairman, and when Senator Vandenberg was chairman. However, when Senator Vandenberg was chairman, there were only 13 members of the committee, so he did not have much of a problem. But later, even under Senator Vandenberg, there was considerable difficulty at times with respect to getting subcommittees to function.

The Foreign Relations Committee, long before I became chairman, had by tradition limited the work of its subcommittees largely to consultative matters. Most of its work is done in full committee proceedings.

Occasionally subcommittees work on substantive matters. One subcommittee, on Latin America, was created and given a special fund, as the Senate will remember, as a result of difficulties that arose when Mr. Nixon visited Latin America. The matter was of special concern, and we provided a special fund and staff. That subcommittee had a little different experience from all the others, which did not have special staffs. Some of them rarely met; perhaps once or twice a year. They do not function in the way subcommittees of the Committee on Appropriations do. This is because Members have preferred to concentrate on large issues before the full committee.

I had the same experience in the Committee on Banking and Currency. We had certain issues, such as in the case of housing. We simply assigned housing matters to a Subcommittee on Housing, and that subcommittee had full responsibility.

In the Foreign Relations Committee we have seldom found any issues which really lend themselves to this practice in a legislative way. Seldom do subcommittees of the Committee on Foreign Relations report bills. They are merely consultative. That is the way the committee has functioned—not only under my chairmanship, but under the previous chairmanships.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Would not the Senator agree that compared with 20 years ago, or even 10 years ago, we now have much more activity in foreign relations?

Mr. FULBRIGHT. The Senator from

Pennsylvania is quite correct. One of the purposes of this proposal is to enable this committee to function more effectively now, so that we can deal with problems of foreign relations. All that would result from having a large committee would be to slow down the activity and really restrict the committee's effectiveness. This is the attitude of the senior Republican member of the committee. The committee is not made capable of handling more business by increasing the time for meetings; that only makes the committee less efficient. That is one of the reasons for reducing its size.

Mr. SCOTT. That argument would be constructive of almost all committees.

Mr. FULBRIGHT. That is not at all true, because I think that any Senator who served on that committee would recognize the clear distinction between the character of the functions of the Committee on Appropriations, which is the largest of the committees, and the Committee on Foreign Relations. The Committee on Appropriations has always had subcommittees which hold hearings and make reports to the full committee. That has not been the practice in the Committee on Foreign Relations, even long before I became a member. The big committees may function better in that effort, both in the House and in the Senate. I do not think that is any criticism at all of the big committees.

When I served on the Committee on Banking and Currency, as I have said, we operated with subcommittees. That has not been done in the Committee on Foreign Relations. I do not say this because it has never been done; I do not think the nature or character of the Committee on Foreign Relations or responsibility lends itself to a breaking down into subcommittees.

The Foreign Relations Committee is more of a committee to influence the attitudes and policies of the State Department than it is to legislate. It is not legislative in the sense of an appropriation committee, which actually makes an allocation of money. Its functions are quite different from the major functions of a legislative committee. For example, in dealing with a treaty, how would a treaty be allocated? We could not possibly deal with a treaty that happened to relate to Europe by referring it to a Subcommittee on European Affairs. That just would not work.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. It appears to me that the Senator's argument is more ingenious than persuasive. The argument seems to be founded on the fact that the Senator wants his committee to be different from the other committees. I must concede that these are the facts of life. What is really happening here is an obeisance to the prestige of the distinguished chairman, who is very likely to get his way. But I do not think that to have a chairman get his way is good for the Senate or for either side of the aisle.

Mr. FULBRIGHT. The Senator is quite incorrect. The whole reorganization bill passed in 1967 related very much to what I am talking about; it was not merely related to the Committee on Foreign Relations. I was not a member of the committee that reported the Monroney bill. That bill was the considered judgment of a special committee of the Senate which sought to make committees as effective as possible. I do not have a list of the members of that special committee, but it was quite an important committee.

Mr. SCOTT. Is not the Senator's argument something like the argument made 23 years ago? Does not the Senator believe the world has changed?

Mr. FULBRIGHT. I am talking about 1967. The Senator himself voted for the bill I am talking about. I have the record before me.

Mr. SCOTT. I understood that the Senator was talking about the Monroney bill which resulted in the Reorganization Act of 1946?

Mr. FULBRIGHT. This was January 16, 1967; it was not 20 years ago.

Mr. SCOTT. At that time, the committee membership was not set at 15.

Mr. FULBRIGHT. It most certainly was—in the bill.

Mr. SCOTT. In the bill, but not as adopted?

Mr. FULBRIGHT. It was adopted by the Senate, and the Senator from Pennsylvania voted for it. Insofar as that bill was concerned, the House would not have any jurisdiction to change it. In other words, the Monroney bill, S. 355, was the final voice and decision of the Senate, including the vote of the Senator from Pennsylvania, that the membership of this committee be 15. That was less than 2 years ago. That bill was approved by the Senate on March 7, 1967.

I do not know what the Senator is talking about when he says that my prestige is involved. That is nonsense. The whole Senate voted for the bill. There were 75 yeas and nine nays. That was the vote on the bill which set the membership of this committee at 15. This was not some exotic, sudden impulse on the part of the chairman; it was the clear judgment of the Senate as a whole. It was less than 2 years ago that we voted on this—in 1967.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. In support of the chairman of the Committee on Foreign Relations, on which I have the privilege to serve, day after day and week after week last summer and fall, when important issues came before the committee with respect to our foreign relations, nothing was done because we could not obtain a quorum. When one goes through such an experience, one can understand why the chairman of the committee, in an effort to have his committee function on an efficient basis, desires a reduction in the topheavy membership.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. DIRKSEN. Mr. President, on my own time, I yield myself 2 minutes.

That was the time, of course, when we were exploring everything in Asia.

Mr. SYMINGTON. If the Senator is asking what we were exploring we were into a good many things. We were not doing as much as some other committees which spend millions of dollars to investigate many things. I say that with no criticism whatever.

On the other hand, there is a belief in the Senate, growing in recent years, that the Senate should not simply lie down and roll over in matters of foreign policy. Therefore, as matters occur all over the world, along with treaties and appointments, as the chairman has ably pointed out, must be handled finally by the full committee. They cannot be put into cubbyholes.

Mr. DIRKSEN. I read all the headlines and gained the impression that we were not in sympathy with what was going on. That was true of the Appropriations Committee.

Mr. SYMINGTON. Mr. President, the Senator from Arkansas yielded.

Mr. DIRKSEN. He does not have time; I have the time.

Mr. SYMINGTON. I know the Senator from Illinois well enough to know that he will yield me some of his own time.

Mr. DIRKSEN. Why, surely.

Mr. SYMINGTON. My point is that if any committee sits day after day and week after week, trying to get its work done, but cannot because of the lack of a quorum, I know that the Senator from Illinois would feel as impatient about it also.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I have not used all my time.

Mr. DIRKSEN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 27 minutes remaining.

Mr. DIRKSEN. I yield myself 2 minutes to address a remark to the chairman of the Committee on Foreign Relations.

It seems to me now that this is an opportunity to emphasize some techniques so far as committee procedure is concerned.

No. 1, if they start on time, it will not be necessary to lose an hour and a half. Unless the committee is voting on something, it does not make any difference whether anybody is there except the chairman. Let the gavel fall and say, "The committee will come to order." That is No. 1.

No. 2, alternating from one side to the other is, in my judgment, a preferred technique. We did that this morning. We do not do it in some other committees.

Mr. FULBRIGHT. We do it in mine.

Mr. DIRKSEN. We do it in the Committee on Finance.

Mr. FULBRIGHT. There is common practice in my committee.

Mr. DIRKSEN. Exactly. And so you get further down the list in that way.

Finally, if the chairman of the committee or the committee will impose a time limit on every member and adhere to the limit, everyone will have a chance.

Mr. FULBRIGHT. We tried that, also, and we tried it in these hearings—particularly the open hearings I have mentioned. It is very difficult to manage this way. An astute witness who knows a Senator's time is limited to 10 minutes can filibuster on one question for the 10 minutes, and the committee gets nowhere. We have tried that often and have concluded that it is hopeless. You

just turn the hearing over to the witness. It is easy for an experienced witness to completely monopolize the time, and you never get to a real discussion. Time limits do not work in an important committee.

Mr. DIRKSEN. The chairman can impose a limit on witnesses, no end.

Mr. FULBRIGHT. Did the Senator ever try to put a witness on——

Mr. DIRKSEN. Say, 5 or 10 minutes.

Mr. FULBRIGHT. In an open hearing it is impossible. The Senator is talking about some of the unimportant meetings that deal with some local matter. The emotions in the open hearings become quite high. We cannot stop a Secretary of State or an Under Secretary of State from talking. Immediately, the press says, "You are harassing the witness."

Mr. DIRKSEN. They do not take too much time. Usually, the members of the committee occupy the time.

Mr. FULBRIGHT. Some do and some do not. It is just like in the Senate Chamber.

Mr. DIRKSEN. Too often, they have not done their homework, and they aimlessly speculate and look at the ceiling and wonder about some question to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 additional minute.

Mr. FULBRIGHT. The Senator is simply criticizing the manners and abilities of Senators and not the question of how big this committee should be. I cannot control my colleagues, either. Did the Senator ever try to tell his colleagues that they cannot talk?

Mr. DIRKSEN. That is right.

Mr. FULBRIGHT. Did the Senator succeed?

Mr. DIRKSEN. I think so.

Mr. FULBRIGHT. Oh, did he? I had not noticed it, either in the Senate or in the committee.

Mr. DIRKSEN. Mr. President, the chairman of the Committee on Foreign Relations made the point that the new Members at the bottom of the heap got rather restive about it.

Mr. FULBRIGHT. They certainly did.

Mr. DIRKSEN. All right, then improve the committee technique and get to them a little sooner.

Mr. FULBRIGHT. The purpose of this committee, as I see it, is not purely to entertain Members. The purpose is to perform a public function: to have hearings that are significant and to get information from the witnesses for the guidance of the Senate and the country. That is the main objective, not just to please either the senior or the junior Members.

The purpose of this move on the part of the committee is to make the committee more efficient, so it will perform its major function. We do not conceive that it has been created for the entertainment or enjoyment of its members alone.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I support the position of the chairman of the Committee on Foreign Relations, and I should like to address a question to him, if I may.

Is it not correct that when we have the full attendance, particularly at the public meetings, it is almost impossible to finish before lunch?

Mr. FULBRIGHT. It is.

Mr. PELL. And as a result of this, as borne out by the experience of the chairman and the entire committee, it means that those of us who are toward the bottom of the totem pole now usually do not get a chance for our questions until after lunch or until everybody has gone to lunch, except the unfortunate witness.

The junior members of the committee remain the same distance from the bottom as ever, but it gives us a chance to contribute a little more to the work of the committee.

I commend the committee for holding firm on this matter, and I hope the Senate will support it.

Mr. SCOTT. Mr. President, I yield 4 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I rise in support of the amendment. I have been listening very carefully to the argument made by the distinguished chairman of the Committee on Foreign Relations. It seems to me that the idea of finishing before lunch, or the fact that junior members think they do not have an adequate chance to question is not a critical reason for doing what is being done.

I am aware of the fact that we may be outvoted on the other side simply by the sheer weight of numbers and party regularity, and this is the kind of thing that is subject to party regularity. I was one of those in our caucus who urged that this fight be made, because I believe it is right, and I should like to give the reasons for it.

First, the main thing is that it comes at the wrong time. It comes at precisely the time when a new class of freshmen has come into the Republican side of the aisle—which comes fresh from the hustings, fresh from campaigning, fresh from being non-Senators—and which has a real contribution to make. Some are on the other side, but the main influx is on this side, and the disproportionate numbers which existed before have now been corrected somewhat. It is good for the country that they have, and it is good for the country that these bright, fresh, essentially younger men are in the Senate.

The real issue is this: Shall they be given an opportunity—shall this objective be before them—of being upon this great committee which Senator FULBRIGHT heads? Indeed, I believe he should derive enormous satisfaction from the competition for a seat on that committee. Or, shall they not? Shall they be closed off in terms of their objective by the fact that there is such a drastic—and it is drastic—reduction in numbers? That is really what is at issue here.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator from New York voted, did he not, for the Reorganization Act of 1967?

Mr. JAVITS. I did.

Mr. FULBRIGHT. It provided 15 for this committee. Why does the Senator change his mind in the course of a year?

Mr. JAVITS. The Senator from New York will state to the Senator from Arkansas that he did not consider the number of Senators on each committee, did not even know about it, at the time, though I am charged with the knowledge. I am a lawyer, and I am not claiming that that is any excuse.

But the fact is that it was by no means the critical aspect of that debate that it is now. In addition, it came before the election, and we are now after the election; and my main argument is that what has happened in the election makes this so inadvisable now.

Mr. FULBRIGHT. The Senator says he did not have any confidence before the election that he was going to gain any seats.

Mr. JAVITS. I would not say that. If I did, I would have predicted my own election, and I did not. I worked extremely hard and spent too much money, and now I owe some, which I do not like at all.

To complete this point: That is really the issue. It is a very drastic reduction, and it is hard to justify, on the ground that this is the time that we have the bulge which can give Members on our side of the aisle an opportunity which they dearly seek. It is a drastic reduction. I give one bit of experience.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I ask for 1 additional minute.

I give one bit of experience to my colleagues. I served for 8 years on the Committee on Foreign Affairs in the House. It had 29 members. I believe the Senator from Montana (Mr. MANSFIELD) was a member of that committee, also. Everybody questioned how a committee of that size operated efficiently. It was because we had a rule of 10 minutes per man, and then you came around the second time. Everybody asked questions.

Some of the best questioning I have ever heard was asked of Henry Wallace in the Foreign Affairs Committee, with 25 members.

They actually took him apart at a time when his position was seemingly very strong in the country but really untenable. He was taken apart in that committee in questioning by almost the entire committee membership. Therefore, with all respect, I do not feel that is an adequate argument for cutting down the number at a time when there is so much new and fresh blood that should have much incentive to do the work of the Senate, nor is it a time to cut this committee when foreign affairs is likely to be such a predominant issue in this Congress. We should stop arguing questions of quorum and yield to what is of greatest benefit to all the people by giving an opportunity to add new, fresh, imaginative minds to this committee in addition to the sage wisdom that exists there now.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Massachusetts, the majority whip.

Mr. KENNEDY. Mr. President, during the course of this discussion it has been suggested that the change and the alterations, as far as membership of the committees is concerned, have been based on partisanship and that for some reason or another the Democratic ma-

jority has taken advantage of our friends across the aisle. I do not believe that is the essence of the question before the Senate.

There are vacancies which have been made available on a variety of different committees. They will be filled on the Democratic side by the steering committee and on the other side by appropriate committees there. If they wish to give opportunity to the young men who have been elected, they have the opportunity to do so, just as we have the opportunity.

The mathematical formula has been established by the people of this Nation, and that is that today there are 57 Democrats and 43 Republicans, and this division will, to the extent mathematically possible, be reflected in the balance on committees.

There has been some modification on one or two committees where we can say that the younger voices will be able to have stronger and perhaps more progressive voices than they would have otherwise. For example, I refer to the Committee on Labor and Public Welfare where we add three extremely important, articulate, and creative voices to work on some most important and pressing problems facing this Nation. So I do not give much weight to the points made by our colleagues across the aisle.

I do, however, think that the makeup of these committees by the membership on each side of the aisle is something many Members on my side of the aisle are extremely interested in and concerned about. I, for one, would like to see the membership on these committees reflect philosophically, geographically, and, to the extent we can, any other considerations of what this Nation is, as reflected in the appropriate elections. I am not completely satisfied that the committees in the Senate, reflect that kind of balance. I think they should. Senators on this side of the aisle are doing everything we can to see that that kind of balance is achieved and we have seen considerable progress made in recent times by the setting up of a steering committee which is designed to reflect these kinds of balances. I am not yet completely satisfied that the steering committee does truly reflect what I think has been the philosophical outlook of the Members on my side of the aisle but I think this is something over which the Democratic caucus has control, and if they have, this is the challenge presented to them.

I know there are many Senators addressing themselves to that problem, and the Democratic caucus should reflect on that. We have tried to make progress in the committees we have. I supported my majority leader in hoping the Committee on Appropriations could remain a larger size. I think with the addition of two members there would be the opportunity for some new voices to reflect on the extremely important and basic questions in the appropriating process. But the decision of the steering committee was not to do so this year.

Thus I think today we are confronted with the facts as I have stated them—some progress achieved and much progress still to be made—and it is in that spirit that I shall support the majority leader's position.

Mr. SCOTT. Mr. President, I yield 2 minutes to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I have asked for 2 minutes, not to discuss the general question or talk about either the Committee on Foreign Relations or the Committee on Appropriations, but because silence gives consent. Therefore, I want the RECORD to show that both the Senator from Washington (Mr. MAGNUSON), who is the chairman of the Committee on Commerce, and the Senator from New Hampshire, who is the ranking member of the Committee on Commerce, were most anxious that the committee should not be increased.

The committee has gone from 15 members to 17 members, to 18 members. There was one member added during the 90th Congress with the distinct understanding it would not be taken as a permanent increase, and I find the number is now 19.

Many members of the Committee on Commerce belong to the Committee on Foreign Relations or the Committee on Appropriations, or other committees, and it is not "hogwash" at all in our situation about the difficulty many times of obtaining quorums. We have many other major committees that could not be likened to the two committees I have just mentioned.

We cover legislation on many subjects: transportation, commerce, matters regarding the merchant marine, and so on. We also have many communications upon which to recommend confirmation. More and more it has gotten to be a custom, because we could not get a quorum, to poll the committee, which in this Senator's opinion is very bad practice. I, for one, do not intend that it continue, even though it might be a hindrance sometimes in my party's administration. In the closing days of a session, the leadership has said, "Can you get this matter out or that matter out?"

I do not think it was good to increase the number from 18 to 19 Senators. Both the Senator from Washington and I would have been satisfied with 17 members, but if it were to be increased from 18 to 19, I wish to register my protest. I know it is late to do anything about it, but there may be another time coming, and I do not want to remain silent.

On behalf of the Senator from Washington and myself, I wish to say we regret this action.

Mr. MANSFIELD. Mr. President, I yield myself such time as I may desire to make reference to a matter which has appeared in the press of late and which I think fits in with the discussion now underway, and that is the position taken by the press that the Committee on Government Operations is an inferior or a secondary committee.

I want to assure my colleagues that two of the most distinguished Members on this side of the aisle would not have sought to go on the Committee on Government Operations if they thought it was of an inferior or secondary status.

Mr. President, recently, I have seen that references to the Committee on Government Operations, appearing mainly in the press, have carried the implication that this major Senate committee has somehow—and apparently without the knowledge of the Senate—been reduced to a committee of minor import and responsibility. I wish to correct that implication and set the record straight.

The Government Operations Committee has enjoyed the status of a committee of major standing. It is no wonder. Its far-reaching authority over the organization and all of the workings of the Government is not matched by any other committee; its immense investigative powers have applied to all of the affairs and activities of the Federal bureaucracy producing information that has been of the highest value to the Senate, to the Congress and to the Nation.

A reading of Senate rule XXV which outlines the jurisdiction of committees serves best to emphasize the major standing of this committee within the framework of the Senate.

The Committee on Government Operations has jurisdiction over all budget and accounting measures excepting appropriations; all reorganizations within the executive branch. I need only remind the Senate that in recent years there have been established two Cabinet-level departments not to mention the many changes in the lower structure of the Government.

Its authority extends to all reports of the Comptroller General of the United States; all studies of the operation of Government activities at all levels; all laws enacted to reorganize the legislative and executive branches of the Government; all studies of the intergovernmental relations between the United States and the States and municipalities; and between the United States and international organizations of which the United States is a member.

It seems to me that no responsibility could be more critical to the fabric and the very life of our system of Government than that of this committee. If the institutions of our Government are to be at all responsive to the needs of our society and of the people, it is this committee—the Committee on Government Operations—that will have the primary obligation to make them so. Now and in the years ahead, I can think of no greater task, no more vital responsibility. To minimize this authority and attempt to place it on the back burner so to speak I would say is to fail to understand at all the operations of the U.S. Government, much less of the U.S. Senate.

I would hope that all doubts in this matter have been dispelled. I would hope that in the future all would-be evaluators of Senate committee standings take note of the record and give to the Committee on Government Operations the status of major import it has always enjoyed and that has always distinguished its outstanding record.

Mr. COTTON. Mr. President, will the Senator from Montana yield me one-half minute?

Mr. MANSFIELD. I am glad to yield.

Mr. COTTON. I should like to express my complete agreement with every word the distinguished majority leader has just said.

When I came to the Senate as a freshman Senator, I was fortunate enough to be appointed to the Committee on Government Operations, whose chairman at that time was the present Vice Presi-

dent, and recently a candidate for President of the United States, HUBERT HUMPHREY. The chairman of the subcommittee on which I served was the late former Senator and later President of the United States, John F. Kennedy.

Service on that committee was the most educational and most fascinating of any service that I have had the privilege of rendering in the Senate. The distinguished majority leader is just 100 percent right when he protests against the downgrading of the Committee on Government Operations.

Mr. MANSFIELD. I thank the Senator. As a matter of fact, the Committee on Government Operations is the prime investigative committee of the Senate.

NOMINATION OF WILLIAM H. DARDEN, OF GEORGIA, TO BE A MEMBER OF THE U.S. COURT OF MILITARY APPEALS

Mr. RUSSELL. Mr. President, as in executive session, I ask unanimous consent to file a report of a nomination from the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, as in executive session, I ask unanimous consent to proceed to the immediate consideration of this nomination.

The PRESIDING OFFICER. The nomination will be stated for the information of the Senate.

The assistant legislative clerk read the nomination of William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals.

Mr. COOPER. Mr. President, I am pleased to note that the Senate Armed Services Committee has reported favorably the nomination of William H. Darden, chief of staff of the Senate Armed Services Committee, to be judge of the U.S. Court of Military Appeals.

Mr. Darden was graduated from the University of Georgia in 1946 and received his law degree in 1948. After enlisting in the Naval Reserve in November 1942, he saw service in the Pacific theater and was released on inactive duty as a lieutenant, junior grade, in 1946. He was admitted to the Georgia bar in 1948 and served as secretary to Senator RUSSELL from December 1948 to April 1951. He was appointed chief clerk to the Senate Committee on Armed Services in April 1951 and chief of staff to the Armed Services Committee commencing in March 1953 to the present.

I first became acquainted with Mr. Darden some 15 years ago, when I served on the Armed Services Committee from 1953 to 1954. During this period, and in subsequent years, although I was not a member of the committee, I have had an opportunity to consult with Mr. Darden on legislation and other matters pending before the Armed Services Committee.

I would like to take this opportunity to say that his prompt attention, thoughtful suggestions, and help on subjects of interest to me in defense and military matters have contributed much to members of the committee and to the Senate. I have always found him to be a courteous, resourceful, and capable person, and I believe he will serve with distinction as judge on the U.S. Court of Military Appeals. I am very happy to support his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals?

The nomination was confirmed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMBERSHIP AND SIZE OF STANDING COMMITTEES

The Senate resumed the consideration of the resolution (S. Res. 13) dealing with the membership and size of standing committees.

Mr. SCOTT. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, I wish to address myself to the amendment of the Senator from Hawaii relative to the cuts which have been proposed in the various committees as proposed by the majority steering committee through the majority leader.

These two cuts are four on the Foreign Relations Committee and two on the Appropriations Committee. I see that the distinguished chairman of the Appropriations Committee is on the floor. I have always held and continue to hold only the highest admiration and respect for him. I have sung his praises on the floor before. I shall not do so today, because I would need more time. But I must say that I disagree with his concept of the number of members who are needed on the Appropriations Committee.

The argument has been used over and over again that it is so hard to get quorums. Well, that is a matter of individual responsibility, Mr. President. The notices of meetings are always given to members of the committee. If members do not show up in sufficient number to make a quorum, it must remain the individual responsibility of Members of the Senate and members of that committee that they were not present. I know that is true on this particular committee, because we spent many hours, perhaps days in total, waiting for quorums last year. But it seems to me, here again, we are not going to solve the problem by reducing the Appropriations Committee by two and depriving, in effect, minority Members of the Senate of the opportunity to serve on it.

Mr. President, I have never served on the Foreign Relations Committee, so I am not acquainted with the particular problems which exist there. But I do know that we have had Members on the minority side of the aisle who have waited for years for an opportunity to serve on that committee. One of those Members is the distinguished senior Senator from Kentucky (Mr. COOPER) who has always had great expertise in foreign affairs. He was an Ambassador to India. Yet that distinguished Senator had to wait 14 years and five elections before he had an opportunity to serve on this committee.

To me, this all boils down to a sheer matter of equity. We are not going to get majorities of quorums present any faster if we have four extra members on the Foreign Relations Committee or two on the Appropriations Committee.

Mr. FONG. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. FONG. By cutting committees we will still have the old members on them; is that not true?

Mr. ALLOTT. That is entirely correct.

Mr. FONG. If they do not change their ways, there are still going to be quorums; is that not true?

Mr. ALLOTT. That is right. If they did not regard their obligation as to their time schedules important enough last year to be present when the committees met, it is very doubtful that they will change this year.

Mr. FONG. Thus, it is not a fault of numbers but the fault of members already on the committees; is that not true?

Mr. ALLOTT. That is entirely correct.

Mr. FONG. Therefore, we would be penalizing only the new members who would want to come in and be appointed to these committees. The older members can still be derelict in their duty if they do not come to their committee meetings; is that not true?

Mr. ALLOTT. That is correct. We would be penalizing those who would desire membership on the Appropriations Committee or on the Foreign Relations Committee, as the case may be.

Mr. FONG. I thank the distinguished Senator from Colorado.

Mr. ALLOTT. I thank the distinguished Senator from Hawaii.

Mr. President, I merely want to support the motion wholeheartedly. I am glad the distinguished Senator from Hawaii has seen fit to make it.

Mr. President, I yield back whatever time I have remaining.

Mr. SCOTT. Mr. President, I should like to conclude by simply inviting attention to the fact that the vote now occurs on the amendment of the distinguished Senator from Hawaii, to restore the cuts in the Appropriations Committee by two seats—that is, from 24 to 26, and to restore the cuts in the Foreign Relations Committee by four seats—that is, from 15 to 19. Then the vote will, of course, recur on the resolution itself.

The yeas and nays have been ordered, I believe, on the amendment.

Now, Mr. President, I ask for the yeas and nays on the resolution.

The yeas and nays were ordered.

Mr. SCOTT. Let me conclude with the statement that what is happening here by force of numbers and by majority power is eminently unfair.

I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, if I may yield myself 1 minute, then I will yield back the remainder of my time.

Of course, the hearings held by the steering committee were in secret. I am sure the committee on committees on the Republican side, when it discussed vacancies, held its hearings in secret.

I want to assure the Senate that there has been no arrogance on the part of the Democratic majority; that the resolution before the Senate calls for a 57 to 43 split. That is the way it is. That is the way it should be. And if we were in the position of the Republicans, I want to assure my colleagues that we would be willing to accept a similar situation and disposal.

I yield back the remainder of my time.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. Is it not correct that the first vote will occur on the Fong amendment; that Senators who wish to restore the cuts would vote "yea"; and that Senators who oppose the restoration would vote "nay."

The PRESIDING OFFICER. The Chair cannot interpret it. The first question is on agreeing to the amendment of the Senator from Hawaii.

Mr. SCOTT. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii. The yeas and nays have been ordered, and the Clerk will call the roll.

The bill clerk called the roll.

Mr. MUNDT (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the junior Senator from Kentucky (Mr. COOK). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) would each vote "nay."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Washington would vote "nay," and the Senator from Illinois would vote "yea."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Alabama would vote "nay," and the Senator from California would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is detained on official business.

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from California would vote "yea," and the Senator from Alabama would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Washington would vote "nay."

The positions of the Senators from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from South Dakota (Mr. MUNDT) have been previously announced.

The result was announced—yeas 36, nays 51, as follows:

[No. 3 Leg.]

YEAS—36

Allott	Fannin	Metcalf
Baker	Fong	Miller
Bellmon	Goldwater	Packwood
Bennett	Goodell	Pearson
Boggs	Griffin	Prouty
Brooke	Gurney	Saxbe
Case	Hansen	Schweiker
Cooper	Hatfield	Scott
Cotton	Hruska	Stevens
Curtis	Javits	Thurmond
Dirksen	Jordan, Idaho	Tower
Dole	Mathias	Williams, Del.

NAYS—51

Aiken	Gravel	Muskie
Allen	Harris	Nelson
Anderson	Hart	Pastore
Bayh	Hartke	Pell
Bible	Holland	Proxmire
Burdick	Hollings	Randolph
Byrd, Va.	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Russell
Church	Jordan, N.C.	Smith
Cranston	Kennedy	Spong
Dodd	Long	Stennis
Eagleton	McClellan	Symington
Eastland	McGovern	Talmadge
Ellender	McIntyre	Williams, N.J.
Ervin	Mondale	Yarborough
Fulbright	Montoya	Young, N. Dak.
Gore	Moss	Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Mansfield, against.
Mr. Mundt, against.

NOT VOTING—11

Cannon	Magnuson	Percy
Cook	McCarthy	Sparkman
Dominick	McGee	Tydings
Jackson	Murphy	

So Mr. FONG's amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the adoption of the resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Washington would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Washington would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Alabama would vote "yea," and the Senator from California would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Colorado would vote "nay," and the Senator from Washington would vote "yea."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from California would vote "nay," and the Senator from Alabama would vote "yea."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Illinois would vote "nay," and the Senator from Washington would vote "yea."

The result was announced—yeas 56, nays 35, as follows:

[No. 4 Leg.]

YEAS—56

Aiken	Hart	Nelson
Allen	Hartke	Pastore
Anderson	Holland	Pell
Bayh	Hollings	Proxmire
Bible	Hughes	Randolph
Burdick	Inouye	Ribicoff
Byrd, Va.	Jordan, N.C.	Russell
Byrd, W. Va.	Kennedy	Smith
Church	Long	Spong
Cranston	Mansfield	Stennis
Dodd	McClellan	Symington
Eagleton	McGovern	Talmadge
Eastland	McIntyre	Tower
Ellender	Metcalf	Tydings
Ervin	Mondale	Williams, N.J.
Fulbright	Montoya	Yarborough
Gore	Moss	Young, N. Dak.
Gravel	Mundt	Young, Ohio
Harris	Muskie	

NAYS—35

Allott	Dole	Mathias
Baker	Fannin	Miller
Bellmon	Fong	Packwood
Bennett	Goldwater	Pearson
Boggs	Goodell	Prouty
Brooke	Griffin	Saxbe
Case	Gurney	Schweiker
Cook	Hansen	Scott
Cooper	Hatfield	Stevens
Cotton	Hruska	Thurmond
Curtis	Javits	Williams, Del.
Dirksen	Jordan, Idaho	

NOT VOTING—9

Cannon	Magnuson	Murphy
Dominick	McCarthy	Percy
Jackson	McGee	Sparkman

So the resolution (S. Res. 13) was agreed to.

AUTHORIZATION FOR PRINTING MISCELLANEOUS STATEMENTS IN THE RECORD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may have miscellaneous statements printed in the RECORD today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHYSICIAN TO THE CAPITOL

Mr. MANSFIELD. Mr. President, it is rare when the Senate is in unanimous accord on any question. Even more unusual is unanimity on the part of the membership of both Houses.

On one question, however, there does appear to be complete agreement. It is on the high competence, the complete dedication, and the outstanding professionalism of the physician to the Capitol, Rear Adm. Rufus Judson Pearson, Jr.

In the relatively short time that he has been assigned to the Congress, we have come to know Dr. Pearson as a warm and understanding man and an outstanding doctor. He has taken charge of the health of Congress—so to speak—in a discrete and completely reassuring fashion. Under his administration, moreover, the facilities of the Capitol medical offices have been developed and modernized. In addition, the emergency and other services which Dr. Pearson and his able staff of physicians, nurses, and technicians, render to House and Senate staff personnel and to countless visitors to the Capitol have been greatly refined and brought up to date.

Dr. Pearson is the subject of a most interesting and informative article entitled "He Takes the Pulse of the Congress," by Jack Harrison Pollack. The article appears in the November issue of Today's Health. It is a delightful account of the work of the Physician to the Capitol and the office which he administers. I commend the article to the Senate and ask unanimous consent that it be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE TAKES THE PULSE OF CONGRESS

(NOTE.—Dr. R. J. Pearson, Jr., attending physician for the U.S. Capitol, is one of the few individuals who can tell members of Congress what to do—and be obeyed. His primary task: to keep our national lawmakers healthy.)

(By Jack Harrison Pollack)

If you want a medical appointment with Dr. Rufus Judson Pearson, Jr., first get elected to Congress.

As the official Capitol physician for America's 535 senators and representatives, this soft-spoken, 53-year-old heart specialist is perhaps the only man who can tell lawmakers how to behave—and be obeyed. Only the second physician to hold this unique, nonpartisan position since its creation in 1928, he is a one-man lobby for lawmaker's health.

A tall, handsome Georgia charmer, he smilingly told Today's Health: "I have one of the most unpolitically sensitive jobs in Washington. But it is also one of the most satisfying. Actually, members of Congress make very good patients."

Incidents that would understandably irritate many physicians are taken for granted by the man who guards Congress' pulse. Appointments with him are broken in a moment's notice because of sudden roll calls, prolonged committee meetings, and other urgent Congressional business.

To accommodate the split-second schedules and enormous pressures of legislator-patients, the Capitol physician's office has a "no waiting" policy for all senators and representatives.

"We always see members of Congress immediately unless there is an emergency elsewhere," explains Doctor Pearson, who is a Navy rear admiral assigned to Congress. "By making sure they aren't delayed, we're saving the taxpayers' money. Each member of Congress represents about 400,000 persons. It costs Uncle Sam millions of dollars each year to maintain Congress. So, besides people, we have a big investment to protect."

Today few occupations are more dangerous to life and liver than that of these lawmakers. The work is taxing, the tensions perpetual, the responsibilities awesome.

But thanks in part to the Capitol physician's office, Congress and its 14,000 employees are kept reasonably healthy.

Doctor Pearson and his staff—two other Navy-assigned doctors and four civilian nurses—handled more than 44,000 patient visits last year. The office, located in the middle of the Capitol, is equipped to accommodate anything from simple first aid to complex medical treatment.

In the Democratic and Republican cloakrooms, it maintains emergency lifesaving equipment, including a resuscitator, oxygen, stretcher, electrocardiograph, and defibrillator machines. Crutches and wheelchairs are available for patients who need them.

Parked outside the Capitol whenever Congress is in session is an ambulance—ready to rush a patient to the Navy's Medical Center in Bethesda, Maryland, or the Army's Walter Reed Hospital in Washington. Though Doctor Pearson naturally checks on his patients' conditions in these hospitals, he doesn't treat or perform operations there.

When on busy Capitol Hill, Congress' attending physician doesn't wear a doctor's white jacket. In his high-ceilinged, chandelier-graced private office, flanked by large U.S. and Navy flags, he calmly answers telephone calls about countless medical problems.

The Capitol physician's office hours start at nine a.m. The staff is on duty as long as either chamber is in session.

To keep pace with lawmakers' hectic lives, Doctor Pearson strolls in and out of his office and laboratories all day long—all night, too, if necessary. Congress meets many evenings, especially when racing to adjourn.

"I try to get over to the floors of both houses every day just to see how everybody is doing and feeling," says Doctor Pearson. "If a member is due for a checkup, we remind him of it."

Doctor Pearson, or one of his assistants, is usually near the floor during strenuous night sessions.

Not long ago, during a late-evening debate, an elderly senator wearily stumbled off the floor after a spirited speech. Exhausted, he slumped on a cloakroom couch. Quietly, Doctor Pearson—who just "happened to be around"—checked the legislator's heart condition. Happily, it turned out to be just a minor flareup. "Just take it easy, Senator, and get some sleep. You'll be all right," he reassured the lawmaker.

Heart and other circulatory ailments, as well as digestive disturbances and ulcers, are the most prevalent Congressional ills. They often are aggravated during periods of legislative tension.

The Capitol doctor treats numerous other medical problems including diabetes, hernia, gout, bursitis, fractures, sprains, and respiratory and metabolic diseases. A member with a diseased kidney had it removed before it poisoned his system, thanks to Doctor Pearson's speedy intercession. He gives inoculations to legislators going overseas. When they return, he often treats them for gastrointestinal disturbances. Yet the Congressional doctor constantly emphasizes preventive therapy. He tries to detect potentially dangerous diseases early.

"Doctor Pearson is like a professional football-team doctor in many ways," observes a Congressman from the Midwest. "His job is to keep us in the ball game until it's over—even if he has to patch or pill us up sometimes. If an important bill I'm pushing is coming to a vote and I get sick, frankly, I don't want to be ordered to bed or to the hospital. I want some immediate medical help to keep me pitching."

Perhaps for his own health as well as medical ethics, Congress' doctor discreetly declines to discuss his patients' ailments. When asked about specific ills of prominent legislators, he pleasantly changes the subject. Many lawmakers have taken the Congressional physician into their confidence. One Capitol Hill oldtimer reflects, "If Doctor Pearson ever opened up, there could be some major changes in Washington!"

Many sensitive legislators guard their health secrets like the Strategic Air Command does its defense plans—lest opponents try to make political capital out of them. This is especially true of representatives, who must face election every two years.

But from other sources, including many lawmakers themselves, Today's Health learned about the Capitol physician's unobstrusive medical services.

When a newly elected lawmaker arrives on Capitol Hill, one of the first communications he receives is a "Welcome Aboard" letter from Doctor Pearson. The physician requests a statement of the legislator's physical condition from his regular doctor, listing any medical peculiarities which might bear watching. The Congressional doctor follows this up with an invitation for the freshman lawmaker to drop in for a chat or, better yet, a physical examination. Before the embryonic legislator realizes it, the Capitol physician's office has a full medical file on him.

Doctor Pearson doesn't attempt to replace family doctors. On the contrary, he encourages each Member of Congress to visit a family physician or specialist.

When a lawmaker has his own physician, Doctor Pearson carefully clears the patient's condition with him. "I'm not in competition with private doctors," explains the Capitol physician. "I used to be in private practice myself, and I realize that private practitioners often know more about a patient's condition than I do. In such cases, I just try to act as a clearinghouse."

For instance, one Congressman who had a skin disease was sent to a famous clinic for successful treatment after Doctor Pearson and the member's personal physician jointly assessed the problem at length over long-distance telephone. Many lawmakers with allergic conditions are given weekly allergy shots by Doctor Pearson's office staff, at the request of the legislators' hometown physicians.

Today much of the Capitol physician's time is spent battling three common health problems: obesity, sagging physical fitness, and smoking.

Many Congressmen—like many Americans—are just too fat. Overeating is just one of their occupational hazards.

"I had to go to nine Lincoln Day dinners in two weeks last February," recalls Rep. Elford Cederberg, a Republican from Michigan. "The cooking of those farm women was absolutely great, and they would have been insulted if I had not eaten. Politics requires eating."

On Capitol Hill, Doctor Pearson tries to guide the lawmakers' nutritional intake. Six-foot-one and a trim 178 pounds himself, he works behind the scenes with the House and Senate restaurant managers on low-cholesterol, low-calorie menus. But policing hungry lawmakers to make sure that they adhere to their diets is sometimes as difficult as persuading them to curtail their talking!

The Capitol doctor's most dramatic overweight achievement was the case of Rep. Robert Everett, a Tennessee Democrat who weighed 363 pounds last year. Non-admirers of his avoirdupois dubbed him "The Man Mountain of Congress."

Diplomatically, Doctor Pearson suggested that the lawmaker enter the Bethesda Naval Medical Center for treatment. There for 26 days early this year, the obese legislator was put on a rigorous diet. Result: During that period, he trimmed off 93 pounds. The Congressman's six-foot-three-inch frame now can better bear his weight.

"I've been on a dozen different diets," Congressman Everett recalls. "But I slipped back every time, even though I shouldn't have because of my diabetes. Doctor Pearson kept after me continually to lose weight, and he is still helping me to do so. He insists on seeing me regularly. Sometimes he even pulls me out of routine committee meetings for a checkup. Today I not only look but feel a lot better."

Again like most Americans, Congressmen don't exercise nearly enough. Doctor Pearson strongly urges them to do so daily. Many have taken his advice. Legislators well realize that physical exercise may help prevent heart attacks by hastening the removal of high levels of cholesterol from the blood. This blood condition is believed to lead to hardening of the arteries, precipitating heart attacks.

Today more than 800 representatives and 80 senators use the House or Senate gyms to play paddle ball, punch bags, tread bicycles, stretch pulleys, row on machines, and swim.

Some legislators exercise in other ways.

Sen. Strom Thurmond, 65, a South Carolina Republican, daily lifts heavy barbells kept underneath a table behind his desk. Sen. William Proxmire, 52, a Wisconsin Democrat, generally jogs the nine miles from his home to the Capitol and back. Another jogging enthusiast is Rep. Lester Wolff, 49, a New York Democrat, who runs outside his Washington apartment house every free morning.

Rep. Fred Schwengel, 61, an Iowa Republican, who formerly was a physical education instructor, begins each morning with several somersaults, then pushups, exercising a full hour each day. Missouri Rep. Durward Hall, 56—one of four members of Congress who also are physicians—does finger, hand, arm, and leg exercises every day. His regimen also includes a bicycle ride every day.

California Congressman Robert Mathias, 37 (Olympic decathlon champion in 1948 and 1952 and member of the President's Commission on Physical Fitness), has a daily program which includes use of an exercising device kept under the couch in his private office—a metal tension contraption which submarine sailors sometimes use to keep fit in crowded quarters.

While encouraging Congress to keep fit through exercise, Doctor Pearson heeds his own advice. Whenever he can, he walks. He climbs stairs rather than taking elevators. Every Saturday, when neither chamber is in session, he generally can be observed playing golf at a country club in Chevy Chase, Maryland. (He shoots in the low 80's.) "I'm now trying to improve a Midwestern senator's golf game," he quips. On Sundays the Capitol doctor works in the garden of his Bethesda, Maryland, home.

In common with many Americans, many Congressmen also smoke too much. But Doctor Pearson, who quit smoking five years ago, is making considerable headway on this problem.

For example, he recently told one legislator-patient, "Look, you have a bad cough, nasal congestion, headaches, weakness, and general fatigue. Your excessive cigarette smoking certainly doesn't help your physical condition. If you *really* want to buy increased longevity, you've got to throw away those cigarettes. The decision is yours." The impressed member of Congress hasn't smoked since.

Lawmakers are extremely appreciative of Doctor Pearson's medical services. House Majority Leader Carl Albert, an Oklahoma Democrat, who had a heart attack two years ago, says, "We are fortunate to have this distinguished physician and cardiologist as our Capitol physician." House Minority Leader Gerald Ford, Jr., a Michigan Republican, observes, "There has been a great improvement in the entire operation under Doctor Pearson—not only as it affects the health of members but of our employees."

The Capitol physician's office also treats hundreds of Congressional employees every year, including administrative assistants, secretaries, pages, doormen, waiters, and police.

U.S. Supreme Court members likewise receive occasional medical aid from Doctor Pearson. The white-columned high court building is only a short walk across Capitol Park.

In addition, tourists are given emergency first aid by the Capitol physician's office. Their complaints range from fainting to heart attacks. As many as 30,000 sightseers troop through the Capitol during a single busy day.

Not long ago an elderly woman collapsed while strolling through the Capitol. She was given a speedy electrocardiogram and chest examination by Doctor Pearson. When the woman was out of danger, Pearson telephoned her private physician 1000 miles away and gave the hometown doctor a report of the emergency treatment.

The families of Congressmen sometimes are treated by the Capitol physician—normally only in emergencies. Recently a legislator's wife who suffered a sudden bleeding problem had it controlled thanks to Doctor Pearson's speedy action and referral.

Dr. Rufus Judson Pearson, Jr.—who is called, "Jud" by friends—is a doctor's son. His late father was an ear, nose, and throat specialist.

Born in Atlanta on October 8, 1915, Pearson received his premedical training at the University of Florida in Gainesville, and attained his M.D. degree at Emory University in 1938. He interned for two years at Kings County Hospital in Brooklyn, New York, then was a resident at Grady Hospital in Atlanta. Later, the young physician studied cardiovascular disease under famed Dr. Paul Dudley White at Massachusetts General Hospital.

Doctor Pearson practiced internal medicine in Miami Beach before joining the Navy in 1942. After World War II, he resumed his civilian practice in Jacksonville, Florida. When the Korean War broke out, the doctor returned to active Navy duty and was promoted to the rank of captain in the Medical Corps in July 1955.

For the next 11 years, he served as chief of medicine at naval hospitals in Charleston and Beaufort, South Carolina, Portsmouth, Virginia, then as chief of cardiology and later chief of medicine at the Bethesda Medical Center.

As chief of cardiology, he became personally acquainted with many senators and congressmen. One of them was a Texas senator named Lyndon B. Johnson, who came to him for checkups after a serious heart attack in 1955.

Doctor Pearson also has found time to become a Fellow of the American College of Physicians, American College of Cardiology, and American Heart Association scientific council. He has been certified by the American Board of Internal Medicine and by the Sub-specialty Board in Cardiovascular Disease.

Today, Doctor Pearson lives in Bethesda with his wife Emily. They have two children, a boy and a girl. His son, Navy Lt. Rufus Pearson III, a 1963 graduate of Annapolis, is serving at a naval air station in California. His married daughter Virginia, a former Peace Corps nurse, now resides in New Jersey.

Doctor Pearson was appointed attending physician of the U.S. Capitol in 1966, after the retirement of the original holder of the post, 78-year-old Dr. George W. Calver. Doctor Calver recommended that Doctor Pearson succeed him; Congress agreed, and shortly thereafter Doctor Pearson was made a rear admiral in the Navy.

The Capitol physician's position was created back in 1928 after three Congressmen had collapsed during one month, and one of them had died in his office. Neither the Senate nor House then had a physician in attendance.

Aroused Congressmen asked the Navy to assign a full-time medical officer to the Capitol. Doctor Calver, then a young physician at a naval dispensary, was tapped for the job. He moved over to Capitol with his little black bag for a supposed three-year hitch. But, when he was scheduled to return to sea, lawmakers insisted that he remain as a civilian.

"I told them I couldn't lose my credentials for my Navy service," recalls Doctor Calver. "So the next day, two Congressmen asked me if I would be willing to stay on if they fixed things up with the Navy. I said I would. That afternoon they passed a law—a rider to an appropriation bill—which prohibited the Navy from transferring me." Doctor Calver stayed on for 38 years.

As Congress' attending physician for the past two years, his successor has quietly instituted many innovations.

One was giving each member a laminated pocket or wallet-sized record of his cardiogram—which is extremely useful in case of a heart attack or stroke. Rep. Roman Pucinski, an Illinois Democrat, says, "I hope that every person in America will be encouraged to carry one."

In addition, Doctor Pearson has succeeded in persuading 60 percent of the members to have comprehensive, head-to-toe physical examinations. He has improved laboratory services and the record-keeping system, added another internist to his staff, updated the Capitol pharmacy, and recently launched a lively artificial-respiration course (directed by his chief aide, Robert F. Moran, a former hospital administrator) for the Capitol police force.

Congressional pressures have multiplied since Doctor Calver first took the job. Back in 1928, Congress was in session only 91 days. In 1967, the lawmakers officially met 286 days.

Long hours, strenuous traveling, and gargantuan pressures from constituents, lobbyists, and others often make legislators ill. Not surprisingly, many of their ailments disappear after they leave Congress.

"Members have unbelievably demanding schedules, especially during campaigning," Doctor Pearson told Today's Health. "The greatest pressure cases I get are right before elections. I do what I can in a man's best medical interest. Members hate to go to the hospital at those crucial times. I explain the risks, and they have to decide for themselves. You can't *force* treatment or medicine on a person."

As a result of Doctor Pearson's quiet dedication and unsung politicking for legislative health, no one on Capitol Hill needs to ask: "Is there a doctor in the House—or Senate?" They know the Capitol physician will be on the scene before you can say "Hippocrates."

A CONVERSATION WITH RICHARD RUSSELL

Mr. HOLLINGS. Mr. President, there appeared in the December issue of the Atlantic magazine, an interview by Mr. Wayne Kelley with our distinguished President pro tempore, the Senator from Georgia.

In this article, covering a variety of subjects, Senator RUSSELL displays the wisdom, foresight, and acumen that comes with 36 years of continuous service in this body. It is altogether an amazing document; one which most certainly should be preserved for students of politics in years to come. The views expressed by Senator RUSSELL on the war in Vietnam, the role of the Federal Government, the Senate itself, and a variety of other topics, could well serve as a primer on contemporary issues.

I ask unanimous consent that the article be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CONVERSATION WITH RICHARD RUSSELL

In January, Senator Richard Brevard Russell, D-Ga., will begin his thirty-seventh year as a member of the U.S. Senate. During his long and illustrious career he has gained a reputation as the most influential and most respected member of the Senate. With the convening of the ninety-first Congress his power, if this is possible, will grow even greater.

The retirement of Senator Carl Hayden, D-Ariz., makes Senator Russell, seventy-one, the top senator in terms of seniority. Only two other men, Senator Hayden and Senator Francis Warren, R-Wyo., have served longer in the Senate. Senator Russell's seniority makes the post of Senate President Pro Tempore his for the asking.

The senior Georgia senator, for sixteen years chairman of the powerful Senate Armed Services Committee, will give up that post to take over the helm of the even more potent Senate Appropriations Committee. A senator may not head more than one committee.

Senator Russell will, however, retain the post of chairman of the Defense Appropriations Subcommittee which approves all federal spending for military activities. He will also remain on the Armed Services Committee as ranking Democrat.

In addition, Senator Russell is the ranking Democratic member of the Committee on Aeronautical and Space Sciences and the Joint Committee on Atomic Energy. He is a member of the Steering Committee, which controls Senate committee assignments, as well as the Senate Democratic Policy Committee.

Few dollars are spent by the federal government without first passing through subcommittees of which Senator Russell is a key member. He sits on subcommittees that appropriate funds for federal agricultural programs, river development, education and health activities, highway construction, housing and community facilities projects, airports, space programs, and atomic energy projects. His Defense Appropriations Subcommittee approves military outlays amounting to about one-half of the national budget.

A member of the Georgia House of Representatives at age twenty-two, and the state's youngest governor at thirty-three in 1930, Senator Russell's judgment and character were forged in the politics of his native state. On two occasions, in 1948 and in 1952, his name was put forward for the Democratic presidential nomination.

Since he came to Washington in 1933, every president of the United States has sought Senator Russell's advice on military affairs. The senator has been greatly concerned with the Viet Nam War, calling it "one of the great tragedies of our history."

On October 21, 1968, at his office in Winder, Georgia, Senator Russell took time from a continuous flow of paperwork and appointments to talk about the Viet Nam War, the prospects for peace, his personal career, and, with great indulgence and good spirits, a scattering of other subjects including the fate of his trusty 1963 automobile.

Q. Senator Russell, as chairman of the Senate Armed Services Committee you have been intimately involved with the problems of the Viet Nam War from the beginning. Do you feel at this point that we can accept anything less than a total military victory?

A. Oh, yes. I am perfectly willing to accept several solutions less than a complete military victory. I am willing to accept a fairly conducted election held by impartial and neutral representatives of other governments to let the Vietnamese determine their own form of government. I would still believe in self-determination in Viet Nam even if they were to determine in a manner that was not in our own best interests. But if they have an election, we should have an assurance of a fair election.

Q. How could we be certain of a fair election in S. Viet Nam?

A. This is one way that the United Nations might justify itself, its existence. If necessary, troops from neutral nations such as Indonesia could be stationed there to see that the mandate of the people at the polls is carried out fairly. They might have to stay there for several years.

Q. The new president of the United States will certainly face some difficult decisions regarding the Viet Nam War. As the leading military expert of Congress, what would be your advice to the president?

A. I would advise him either to quarantine North Viet Nam and bring this war to a close or else to bring our troops home. Ho Chi Minh has been gambling that the United States wouldn't take any further steps in the war and that the American people would finally become tired of it and let him win the war. I think we should force him to a fair agreement on South Viet Nam which would permit the right of self-determination without the terror of the Viet Cong or of the North Vietnamese regulars hanging over the people when they go to the polls. It is not fair to keep on sending American boys over there. They have performed superbly when you consider that they are all raw recruits in a sense—no man stays over there longer than twelve months. Most of them haven't had but about four months training.

Q. What if the North Vietnamese will not agree to a free election or some similar solution? Are we capable of ending the war militarily?

A. This war has not been fought as I thought it should from the beginning. Each of our moves has been made two years later than it should have been. It is hard to conceive of any mistake in the field of international relations or military affairs that we have not made in Viet Nam. I thought that we should have quarantined all the coast of North Viet Nam, closed all of their ports. I think that would have been more effective than sending 500,000 troops over there as we have done. It would have brought them to their knees much more quickly. They can't supply themselves with food, much less with arms. If we had been bold enough to take these steps, the war would have been over. But we have fought it on their terms.

Q. Could the war still be brought to a speedy conclusion by military action?

A. If we had followed at the outset the policy or strategy that I have mentioned, the war could have been brought to an end in six months. How long it would take now I do not know. But I still think it could be done in six months. And we could do it without losing many more American lives, if we wanted to, by bombing the dikes that control the rice fields of North Viet Nam. By putting in a quarantine on shipping we could take them out of the war with little fighting on the ground anywhere.

Q. To return briefly to the possibility of free determination by elections, Senator Russel. Didn't you once express the view that the North Vietnamese would probably win such an election?

A. I don't think I expressed it exactly that way. I said I thought they would vote for Ho Chi Minh for president in South Viet Nam because all the people there knew him as a folk hero at that time. That was six or seven years ago. Now the war has been going on much longer. I doubt that he could win an election there today. But he was a folk hero, a legend in his own time, after he drove the French out of all of what used to be French Indochina which included both North and South Viet Nam, Cambodia, and Laos.

Q. Hope has been expressed that the South Vietnamese will soon be able to assume a major share of the military burden. Is that likely?

A. Anyone who thinks that the South Vietnamese will be able to assume all of the responsibility or the primary responsibility in the near future is sadly deluded, because they can't. They are taking more of the load today. They are now producing some infantry units that are good fighters. They will do the job and they are being utilized more than they have ever been in the past. But, in terms of artillery and air power and things of that kind, they just can't do it.

Q. Senator, are there any conditions under which you believe a halt to all bombing of North Viet Nam would be wise?

A. Not unless there was a very definite quid pro quo, that we could recognize as fact. Of course, if they would agree to withdrawal of the North Vietnamese soldiers from South Viet Nam and we knew they did that, and if we knew they had stopped bringing in supplies to what remains of the Viet Cong, I would agree to a bombing halt. The Viet Cong is no longer a very formidable force.

Q. How do you feel about the reservists who sued the government in an attempt to avoid being sent to Viet Nam?

A. That was a great shock and disappointment to me. Most of them were in those reserve units because they selected that method of discharging their military obligation. I was sorely disappointed. Of course we must realize that it was a very small percentage of the reserves that actually brought those suits.

Q. Supreme Court Justice William O. Douglas granted a temporary restraining order in September to prevent shipment to Viet Nam of certain reservists who filed suit. Did that disturb you?

A. I was even more disappointed that a member of the Supreme Court would have granted an injunction against the government in a case of that kind. According to this concept, one man on that court could absolutely paralyze this country and make it incapable of defending itself in time of war.

Q. Paralyze the defenses of the country by keeping such cases tied up in the courts?

A. Yes. Or by gaining an injunction during a period when the Supreme Court is not in session as was the case here. We were

fortunate in that the court was due to convene in just a matter of weeks.

Q. What is our military manpower situation now, Senator? Will draft calls be larger or is a reduction possible?

A. I think we have adequate manpower. As a matter of fact, I think we could afford to reduce it by two or three hundred thousand (men) without gravely impairing our position.

Q. The newspapers have reported that the Pentagon is now studying the feasibility of an all-voluntary peacetime military force. Do you think this is practical for the future?

A. I doubt very much whether it would be possible in today's world if we wish to maintain adequate forces. It could be done if we would renounce all the obligations and treaties that we have for mutual defense all over the world. But we cannot live up to our commitments today, in my opinion, with a volunteer army. We would be compelled to pay such enormous costs to maintain it that it would be even more burdensome to the American people than today's army is.

Q. Would a volunteer army have any inherent dangers or disadvantages?

A. I am not too sure it would be a good thing for the country. A purely mercenary army has been the means of dissolving a great many important civilizations in the past. These men who are willing to do a short hitch, come into the army and go home, are sort of a counterbalance against any military take-over in this country such as we see about us on all sides today.

Q. You guided through the Senate this year a $71.9 billion Defense Apppropriation Bill for fiscal 1969. It was the largest single appropriation bill in American history. Did the bill provide everything we need and are you pleased with our defense posture?

A. I am greatly concerned about our strength in new weapons, our reluctance to proceed with new weapons and keep pace with the revolutionary explosions that occur in weapons systems all over the world. I am also concerned because we have drawn so heavily on our reserve supplies of ammunition and equipment for the Vietnamese War. We have probably the lowest reserves of such simple things as ammunition that we have had in twenty years.

Q. Are we behind Russia now in atomic submarines and rockets?

A. We don't know, of course, exactly what the Soviets have. We spend a great deal of money to try to get hard intelligence about their military posture. I think that we are ahead now in submarines. We are behind in numbers, over all. They outnumber us three or four to one; but a great many of theirs are the type that are built to keep ships from approaching their shores and are not capable of any long-range operations. They undoubtedly have some atomic-powered submarines. And from their success in other atomic operations we must give them credit for being practically as good as ours, though Admiral (Hyman) Rickover might not agree with that statement.

However, it is hard for me to believe, though they have shown great resource in their construction program, that they have a weapon that is as powerful and accurate as our Polaris missile on our atomic-powered attack submarines.

Q. Is the United States behind in aircraft development?

A. I think they are ahead of us in the air now, but not in long-range bombers. I still thing the old B–52, though it is fifteen or sixteen years off the drawing boards, is superiod to any long-range aircraft they have. But in the fighter and interceptor field we have made so many mistakes like the TFX, the III's, that I think they are probably superior to any long-range aircraft they have. perately to catch up now.

Q. President Johnson has expressed hopes in the past that the United States and Russia will be able to reach agreement on control of nuclear weapons and other matters to reduce the chances for a tragic war. Do you see any danger to our country in the treaty, currently awaiting Senate action, which would ban the spread of nuclear weapons?

A. I am willing to enter into any kind of treaty—even to scrapping atomic weapons—if there is evidence of good faith all around by the other parties and they are willing to agree to inspection. But I am not willing to disarm on just the promise of the Russians or anybody else. I haven's studied that (nuclear nonproliferation) treaty as closely as I intend to. I have read it through one time. There are two or three weaknesses in the treaty. Whether there are advantages in it which compensate for that, I have not yet been able to determine.

Q. But you want to see clear guarantees that Russia and other countries would abide by disarmament treaties?

A. Yes. There has got to be some tangible program so we will know they are disarming. If we sign a disarmament treaty, we'll disarm. But if they sign one, I don't believe they will unless we have inspection teams there to see that they do.

Q. You mean on-site inspection.

A. Yes, on-site. Open up the country. I'm willing to open this country up—everything including the White House pantry open to inspection if we can get a treaty in good faith.

Q. What about a treaty between the United States and Russia agreeing to call off the antimissile defense race?

A. I'd be very happy to have a treaty with Russia not to build any antimissile missiles if they will agree to inspection. But they are not going to agree to any inspection of any kind. And I wish that was something that our negotiators would bear in mind.

Q. Senator, you used your influence this year to get Congressional approval for money to start an Antiballistic Missile (ABM) system. Did you favor the ABM a few years ago?

A. Oh yes, I have always been for it when we were ready to proceed. I though that some members of the Congress and of my Armed Services Committee wished to start production before we had done adequate research and development and testing. As a matter of fact, on one occasion one member of the committee went around and lobbied the committee and that was the only time I ever lost a vote in the committee. By one vote they voted to start production. I took the matter to the floor of the Senate and got a closed session. The Senate voted about 3–1 to support my position.

Q. Wasn't that Senator Strom Thurmond of South Carolina who did the lobbying for the ABM back in 1963?

A. Yes, yes, yes. He was in favor of starting production four or five years ago and I thought it would be very wasteful and extravagant and nonproductive. But now we have completed every possible research project on the missile. There comes a time in any research and development program when you have to start construction to determine whether your research proves what you think it does or whether there are weaknesses you have to eliminate. I think we are at that point today.

Q. Even the "thin" ABM system will cost several billions of dollars. Will the protection be worth the cost involved?

A. If you mean will we ever have a system that will be able to prevent any atomic bomb from penetrating this country—no, that is not possible. There is not enough money in the world and we could bankrupt ourselves and still couldn't prevent some of them from coming through.

But even Mr. (Robert) McNamara, who was opposed to the system, when he was secretary of defense, said that if we put up the "thin" system that was contemplated by the bill authorized by Congress this year, that in the event of an all-out nuclear war it would leave twenty million American citizens alive in cities. And if we built an intensive system, it would leave eighty million alive. Well, in my opinion, $5 billion to $8 billion a year, when weighed against a total military budget of seventy-odd billion dollars, is a very modest amount to save that many American lives. And I think if you went to the individuals and asked them, they would be willing to have this project even though it may cost $40 billion. If you are going to be among the eighty million that are saved, I think that you would find a unanimous agreement throughout the country to build it.

Q. Senator Russell, this so-called "thin" system is just a foot in the door to beginning construction on the full or heavy ABM system, isn't it?

A. It's a base for a system throughout the whole nation I didn't deceive anybody. When we brought it up they tried to dress it up as being a system to protect us from China. But I stated very frankly on the floor of the Senate that I consider it the foundation of a complete antimissile system that would save at least eighty million Americans against any atomic attack, however drastic.

Q. Will some ABM bases be located in Georgia?

A. Oh yes. Even the thin system contemplates one base in Georgia.

Q. A complete ABM system would mean more than one Georgia base?

A. It would just mean an extension of the other base, probably. Distance means nothing now where a rocket is concerned.

Q. Senator, you have been chairman of the Senate Armed Services Committee for sixteen years and a member of the committee of the old Naval Affairs Committee for much longer than that. Was it a difficult decision to switch over to become chairman of the Appropriations Committee?

A. It was a difficult decision. But the Appropriations Committee of course, in my mind, is the committee of the Senate. It is vital to many activities in the state of Georgia and I did not feel like I could in justice turn down that assignment, as important as it is, when I could retain the chairmanship of the money subcommittee of the Defense Department.

Q. Will you still maintain a strong voice in military affairs and policy?

A. Overall, I think that with the chairmanship of the Appropriations Committee I will have as strong a voice in the really important matters of military decision and policy as I have ever had. I will not be in as much detail work as I was as chairman of the Armed Services Committee—on authorization bills and things of that kind and minor decisions as to whether we'll construct four submarines a certain year or six, or two destroyers or four.

Q. You are in line for the post of president pro tempore of the Senate. That post is an honor that goes to the most senior member of the party controlling the senate. Will you take it?

A. Well, I expect I will. The prospects of riding in the same type of limousine that the president rides in is attractive to a country boy.

Q. Don't you have a limousine as chairman of the Armed Services Committee?

A. No. I have been in the Congress longer than any man who has a car. Much longer.

Q. How is your own Chrysler holding up?

A. It's doing pretty good. It is a 1963 model, but that was a good year for Chryslers and it still does very well. It did catch on fire one day to my surprise and disappointment and fright. But that was a shortage in the wiring and we got that straightened out.

Q. The post of president pro tempore puts you in line for the presidency right after the speaker of the House, does it not?

A. Yeah, you are in line for the presidency

but you are pretty far down the line. You are number four. Of course it is conceivable—say in the case of an atomic attack or some new disease sweeping the country that the president pro tempore might be immune to—why he might get to be president. But it is very unlikely.

Q. Would presiding as president pro tempore give you any particular influence on key issues, Senator?

A. Very slight. You would have to have the know-how to use what little you had to get any advantage out of it.

Q. As the acknowledged parliamentary expert in the Senate, you might be able to find some use for that slight advantage?

A. I might cook up one or two little ways I could. You have the right of recognition and that of itself is of some importance. Recognizing a man who might have a certain view at a time when the Senate is relatively full. There are a number of little things. But I would, of course, try to be fair to both sides. I never have believed in using the presiding officer's post to secure any unfair advantage in any instance. I didn't think so when I was speaker of the Georgia House of Representatives thirty-seven or thirty-eight years ago and I don't think so now.

Q. Senator, with your heavy burden of committee work and the countless issues and votes making demands on your time, have you developed any particular philosophy of operation?

A. I don't have time to prepare myself on all questions. That is one thing that people don't really comprehend. A man who has a direct responsibility for a gigantic activity such as the Department of Defense just cannot give detailed study to every one of them. He has to shoot from the hip. And when I am in doubt about a question, I always vote "no." I think that is the only safe plan to follow. If you are in doubt and vote yes, why you have to take responsibility for what is done. If you are in doubt and vote no, you get another look at it somewhere further down the line.

Q. Senator, during your service on the Armed Services Committee every secretary of defense—beginning with the first one, James Forrestal in 1947–49—has counseled with you. In your opinion, who was the most effective secretary of defense we have had?

A. I don't believe I have reached the stage in life where I would want to make a comparison of that kind. It would be a bit invidious. They were men of very different types and I would have to go into considerable explanation. I have managed to work with all of them though they have all been men of totally different temperaments in their approach to matters. But I don't believe I would want to get into a comparison of all the men I have worked with as secretary of defense. If I live another ten years, I'll answer that question for you.

Q. Would you discuss just one, Robert McNamara, about whom a lot was said pro and con before his resignation this year?

A. McNamara was a brilliant man. But he was also, I think, a bit too opinionated. He brought his own private braintrust into Washington and into the secretary's office. He paid a great deal more attention to them in some matters than he did the civilian personnel in the department who had been there thirty years and the military men who we train at tremendous expense in specialized fields. I think the TFX (airplane) is an illustration of how expensive Mr. McNamara's mistakes were when he made up his mind and closed it to the arguments of the professionals in the Department of Defense. That (TFX) decision was made by people who hadn't been in the Department of Defense very long and it was based on a perfect theory. That theory was universality in a plane for attack purposes, interception purposes, and likewise for the Navy to land on the decks of carriers. But in practice it is incapable of achievement.

Q. the cost-analysis type of management then does not necessarily transfer from industry to national defense?

A. It does not. And the TFX is a very dramatic and expensive illustration of it.

Q. One of the most dramatic events in your tenure as chairman of the Armed Services Committee was the hearing you called to investigate the recall of Gen. Douglas MacArthur from Korea by President Truman. Your committee never did file a formal report taking one side or the other. Would you say now if you feel President Truman was justified in the abrupt recall of General MacArthur?

A. Well, I think that it could have been handled a little better. But in his essential decision to bring MacArthur back, I think that Truman was justified because General MacArthur, though he was all-round perhaps the most brilliant and well-organized mind I have ever known, had apparently disregarded the fact that we have civilian control whether the military people like it or not. And when he did that I don't think the civilian commander-in-chief had any alternative but to remove the man from his command.

Q. Did President Truman ever contact you or ask you to handle the MacArthur hearings in any particular way?

A. President Truman himself did not. Some of the intimate members of his staff suggested that I go down and get his views after we had decided to conduct the hearings and the Senate had approved the hearings. But so did some of General MacArthur's friends. They wanted me to talk to him about his side of it. I told both of them that I would get it from the witnesses on the witness stand. I didn't want to be confused by briefings before the hearings started.

Q. Would you comment on particular military field commanders whom you thought to be outstanding?

A. Yes. MacArthur was a great field commander. He performed miracles with very few supplies and forces in the Pacific before the war in Europe was won. Of course (George) Patton was an outstanding fighter. He was the kind of man who inspired his men to really surpass their capabilities, if that is possible. And General (Omar) Bradley was a fine field commander.

Q. Senator, during the Cuban missile crisis in October of 1962, you were present at a high level strategy meeting with President Kennedy at the White House. You spoke out for an invasion of Cuban at that time, didn't you?

A. Yes, I strongly advocated taking military steps to get those Russian missiles out of Cuba, at the same time ridding this hemisphere of (Fidel) Castro and of a Communist government that I was certain then, and believe now, is going to infect and poison a number of Latin American countries in the future. I think it was a tragic mistake not to invade. I don't think we would have had the Vietnamese War if we had gone on and eliminated Castro and Communism from Cuba. If we should have a war with the Soviets, heaven forbid, they have got a base there right under our noses that they can use and exploit with missiles and with airplanes.

Q. You felt we would have been justified in an invasion at that time?

A. The main argument I made was that the missiles gave us a reason for going in there that we would not have in the future. I thought we ought to go in when we knew the Russian missiles were there to seize them and the Russian experts and hold them up as Exhibit A to show that they had violated the Monroe Doctrine. They defied the joint resolution of Congress which had been signed by the President only a matter of two or three weeks before the missiles were discovered there saying, in essence, that any offensive weapon in Cuba would be an act of aggression against this country. It seemed to me that it was almost a heaven-sent opportunity to clean up the Cuban situation when we had a real reason for doing so and were completely justified under any possible international law that might have been brought forward.

Q. A memoir by the late Senator Robert F. Kennedy on the Cuban missile crisis mentions your advice to President Kennedy. Do you recall the conversation?

A. I understand from Senator Ted Kennedy that the papers sold by Senator Robert Kennedy dwell somewhat on what I had to say at that conference. I haven't seen it and he didn't tell me the content. He (Ted Kennedy) did say that the release said that I said I couldn't live with myself if I didn't express my views. I had forgotten saying that until Senator Ted Kennedy told me about it over the phone two or three days ago.

Q. Didn't you feel at the time that a United States invasion of Cuba would trigger a war with Russia?

A. No. I did not subscribe to the theory that it would result in an all-out atomic war with Russia. Russia had not hesitated to move into Hungary just a short time before that. They killed thousands of Hungarians with no real reason for it except the fact that the Hungarians wanted to change their own government.

Q. Were the Russians less prepared for a war in 1962?

A. At that time we had weapons that were not available to the Russians, such as Polaris missiles. We had over three times as many intercontinental missiles as they had, carrying nuclear warheads. Now we are about even. We are in a much more dangerous position vis-a-vis the Soviet today than we were at that time. The fact that Khrushchev capitulated so quickly to President Kennedy's demands demonstrated that they were well aware of the fact that a war at that time perhaps would have eliminated Russia as a world power and they were not prepared to take that risk.

Castro had not been furnished any military weapons at that time of any consequence. I think that just an ultimatum and moving the marines in, we had 30,000 of them right off the shores, would have brought it to a conclusion. Not only that, but the minute we exposed these Russian missiles, world opinions would have supported us—which it hasn't in Viet Nam. Instead of having the support of the world, we have had the condemnation of the world for fighting in Viet Nam. It is 8,000 miles away. It costs fifteen to twenty times as much to supply a man in Viet Nam as it would have in Cuba and we could have wound the thing up in just a few days.

Q. Senator, to return to current events for a minute, the next Congress will undoubtedly face some monumental problems. At this moment we do not know who the new president will be. But what do you see as the main political issues in 1969?

A. It depends so much on who is elected president. (Ed. note: this interview was conducted in mid-October, before the election.) It is difficult to say. If Humphrey is elected, the main issues will be how much further and how much faster you carry all this new program of the Great Society and what additions you will make to it. If Nixon is elected, I think the reverse of that will be true. It will be a question of how much you will slow it down and whether or not you will embark on any new programs.

If Mr. Wallace is elected, why I think that the main difference will probably be in internal affairs—the matter of curbing the powers of the Supreme Court, if you can do that—and a change in attitude toward the war in Viet Nam.

Q. You gave President Johnson his start in the Senate when you helped him become whip and then majority leader. He has often

sought your advice on key issues. Yet there was a published report recently that your friendship with the president has cooled. Are these reports correct, Senator?

A. No, I don't think they are accurate when stated that way. I think our personal relations are just as they have always been. We have had some rather sharp differences of opinion on political matters and issues. President Johnson has known me pretty well. He never did expect me to be spoon-fed by his philosophy. There have been times when he has urged me to let up on different questions.

Q. Senator, you did feel, though, that one judicial appointment recommended by you was unfairly held up. Was there not a delay in the appointment of U.S. District Judge Alexander Lawrence of Savannah, a personal friend of yours?

A. Oh well, I didn't have any feeling toward the President on that. I thought that the attorney general of the United States acted like a child about it. And I still think so. I very frankly do not feel that the present attorney general is qualified to fill that position.

Q. Attorney General Ramsey Clark wanted to hold up the appointment?

A. Yes. Oh, he had not only tried to hold it up, he wanted to have it disapproved by the President. And I did have a great deal of difficulty getting it through. But I did. The only thing I resented was having to give up so much valuable time fooling with something that was so clear and apparent to me and to all the members of the Georgia bench and the Georgia Bar Association. He will make a fine judge.

SENATOR MANSFIELD'S APPEARANCE ON THE TV PROGRAM "FACE THE NATION"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of the CBS Television Network program "Face the Nation," telecast on Sunday, January 5, 1969, on which I had occasion to appear as the guest.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

(CBS Television Network, CBS Radio Network, Sunday, January 5, 1969; origination: Washington, D.C.)

Guest: Senator MIKE MANSFIELD, Democrat of Montana, Senate majority leader.

Reporters: George Herman, CBS News; Samuel Shaffer, Newsweek magazine; Roger Mudd, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. HERMAN. Senator Mansfield, Republican Presidents today seem traditionally less activists than the Democrats. Do you think the balance of leadership is now about to shift to some degree to the Democratic Congress?

Senator MANSFIELD. Yes, I do, because of the divided government. I think there will be more flexibility and more independence shown by the Congress.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Senate Majority Leader Mike Mansfield, of Montana. Senator Mansfield will be questioned by CBS News Correspondent Roger Mudd, Samuel Shaffer, Chief Congressional Correspondent of Newsweek Magazine, and CBS News Correspondent George Herman.

Mr. HERMAN. Senator Mansfield, the Democratic Majority Leader, under a Democratic Administration, is pretty much overshadowed by his party leader, the President. Now, you are about to be a Majority Leader under a Republican Administration, some of whose views you undoubtedly oppose. You seem likely to be the principal Democratic spokesman on Capitol Hill. How do you view your new role?

Senator MANSFIELD. Well, I view it in somewhat the same status that it was when Lyndon Johnson was Majority Leader and Eisenhower was President. The purpose will be to do our best, as a party, to be of assistance to a Republican President, because we would like to see him make a go of it. If he succeeds the country will benefit. If we oppose him, as we shall on occasion, we will try to do so constructively and offer alternatives in place of what he proposes.

Mr. SHAFFER. Senator Mansfield, before we explore the domestic picture further, I would like to ask you a question or so on the minds of a lot of Americans, on foreign policy. Forty Americans are dying daily in Vietnam while this haggling goes on, what President Johnson calls dilly-dallying on the shape of the conference table in Paris. Now, what are you, as a Senate leader and as a member of the Senate Foreign Relations Committee, going to do about this?

Senator MANSFIELD. Well, there isn't much we can do now except to deplore the fact that, while we are trying to find out what kind of a table the conferees will sit around in Paris, our men are dying in Vietnam. And I must say that I am very strongly in favor of what Secretary of Defense Clark Clifford has advocated, we ought to get down to business right away and get away from this shilly-shallying which is accomplishing nothing. As far as the table is concerned, we ought to do away with it, maybe sit like this, stand up or squat, any old way just to get negotiations going.

Mr. MUDD. Is it fair to say, Senator, that you really don't expect any progress in Paris until after the inauguration?

Senator MANSFIELD. I think it is very doubtful.

Mr. MUDD. And then what is the outlook after the inauguration?

Senator MANSFIELD. That will be largely up to Nixon, who will then be President, and I am sure he has given that a great deal of thought at the present time, but I am not in his confidence.

Mr. MUDD. Well, are you in a position now to say that peace talks in Paris should be put under some sort of time limit?

Senator MANSFIELD. No, I wouldn't say that, because we have to keep on talking to bring this killing to an end. I think I ought to point out that, when the conferees were selected in the first place, that he called Senator Dirksen and me down to the White House and asked us to be ready on short notice to go to Paris, if we could, to be of any assistance at any time.

Mr. MUDD. Who called you?

Senator MANSFIELD. The President.

Mr. MUDD. The President. You have not heard anything further?

Senator MANSFIELD. No. There was no need because nothing has been accomplished there except talk.

Mr. SHAFFER. Senator Mansfield, at his last press conference Secretary of State Dean Rusk said that the table seating impasse reflected important questions of substance. Do you agree?

Senator MANSFIELD. No, I do not.

Mr. SHAFFER. Well, let me ask you, do you think we should start a unilateral withdrawal of our troops from Vietnam?

Senator MANSFIELD. No, I don't think we can do it at this time, but I think we ought to give consideration to the possibility of decreasing our troops there if, as we have been told, the South Vietnamese Army is increasing in effectiveness and efficiency as well as in size.

Mr. HERMAN. Senator, it is one thing to deplore this hassle over the shape of the table in Paris, it is another thing to solve it or to do away with it or to cut the Gordian knot. How can it be done? Where do you have to start? Who is to blame, a country, a person?

Senator MANSFIELD. That is hard to say, but if you want an alternative I would suggest that we follow the procedure which was used by the NLF, the Viet Cong, and the American officials who met over the past two weeks to bring about the release of the three American prisoners. Now, what they did was to meet in the jungle, stand up, discuss this matter, eventually arrive at a decision.

Mr. HERMAN. But the important point there was that this was a bilateral meeting between Americans and the NLF. Now, is that suitable for the peace talks?

Senator MANSFIELD. No, but I think that we ought to have meetings between Hanoi and the United States. And if we can't get the NLF and Saigon to go together with those two, then have them meet separately and see what they can come up with in the way of a solution, then get together.

Mr. HERMAN. Will Hanoi agree to that kind of a bilateral meeting?

Senator MANSFIELD. I don't know.

Mr. SHAFFER. Well, will you, as Senate Majority Leader, and as one of the most important voices in the Democratic Party today, speak up in the Senate in an effort to break this impasse?

Senator MANSFIELD. Only if I can do so constructively.

Mr. MUDD. Senator, you have been quoted as saying that in the Nixon Administration the Foreign Relations Committee of the Senate and the Congress generally would exercise a stronger or influential voice in foreign affairs. How do you think that will happen?

Senator MANSFIELD. Well, you may recall that Senator Fulbright last year had reported out of the Foreign Relations Committee unanimously his resolution seeking to bring about a greater voice in foreign affairs for the Senate, based on the Constitution's "advise and consent" clause. That was placed on the calendar, would have been brought up had it not been for the President's March 31st speech at which he announced he would not be a candidate for reelection and that he would seek to bring about negotiations, to bring an end to the war in Vietnam. Because of that factor it was not brought up. I know that Senator Fulbright is very much interested in it, as I am, and as many members of the Senate are of all political stripes. I anticipate that, following the nonproliferation treaty, it will be reported out, placed on the calendar and brought before the Senate.

Mr. SHAFFER. Senator, as I understand it, this resolution expresses the sense of the Senate that American troops should not be committed to hostilities on foreign soil by a President, any President, without prior authorization by Congress, except to repel attack or to protect American lives and interests. What I want to ask you is this: Is such an approach practical in the nuclear age, in the mid-20th Century?

Senator MANSFIELD. Oh, I think so. The matter of nuclear emergencies would be taken care of, understood and made clear in the course of the debate.

Mr. HERMAN. You brought up the nonproliferation treaty, and I want to get to that in a minute. But first I want to ask you how can the Senate, or any part of the Congress, be as active as it would like to be in foreign affairs when only the administration has access to the vast body of secret information and facts?

Senator MANSFIELD. Well, I think that we should have access to some of that information, too, and that what we ought to do is to work cooperatively with the Executive Branch. We don't want to take away any authority from the President which is rightfully his; we would like to have some of the responsibility which is rightfully ours, and which has been eroded with the Senate's consent over the past four or five decades. We don't want to hinder the President. We know that his troubles are many and difficult. We

want to be of assistance to him and we think we can be if he will allow us to.

Mr. HERMAN. Okay. Now, the obvious question about the nonproliferation treaty, I have to ask it in a rather naive form. Since President-Elect Nixon seems to be for it, since President Johnson seems to be for it, what is holding it up?

Senator MANSFIELD. Well, the fact is that we—I hoped that it could be the first order of business, but we have a debate starting on Thursday next on a change in Rule XXII. Now, that will take up the Senate's time for some days, if not a week or longer. That means that, as a result, the nonproliferation treaty will be pushed back and will not be brought out, as I see it now, before the 20th. It is my understanding that there are some members of the Foreign Relations Committee who would like to have further hearings, short hearings. It will be reported out. It will be placed on the calendar. And as soon as it is, it will be brought before the Senate for debate and disposal.

Mr. MUDD. But even without that rules fight, there really wasn't much prospect you could have gotten that treaty through before inauguration, was there?

Senator MANSFIELD. No, but there was a chance. Now I think the chance has been obviated.

Mr. HERMAN. What is the disposal going to be?

Senator MANSFIELD. I think it will be approved. I think it should be approved. I think it is a good treaty, it is in our interests and in the interests of mankind.

Mr. SHAFFER. Senator Mansfield, it looks as if the Mideast is about to blow up again. What can we do to prevent this? And do you think—this is the other part of the question—that the United States has a commitment to go to the aid of Israel?

Senator MANSFIELD. No, I don't think we have any hard and fast commitment to go to the aid of Israel or any other country in that area, outside of those which are members of the North Atlantic Treaty Organization. As far as what the United States can do, it is hard to say, except that I believe we ought to, whenever possible, work in concord with the Soviet Union so that, through our joint efforts, we may be able in some fashion or other to bring about peace to that unstable area. There are many questions connected with the Middle East, and it seems to me that the situation is not getting any better but, in fact, is getting worse with the passage of time.

Mr. HERMAN. I presume, when you say we have no commitment, you mean a legal or a treaty commitment?

Senator MANSFIELD. That is what I mean.

Mr. HERMAN. Do we have any moral or emotional commitment?

Senator MANSFIELD. There have been statements made by Presidents over the past. I think Presidents Eisenhower and Kennedy have indicated that we do have such a position. How strong the position is indeterminate at this time.

Mr. HERMAN. Is it something which varies? Is it something which perhaps has gone down-hill a little in the face of Israel's recent aggressiveness?

Senator MANSFIELD. Oh, I think it has gone down-hill in spite of the fact which you have mentioned, and I think it is tied to a certain extent to our involvement in Vietnam. Vietnam has brought about a very changed situation in the Senate, in the thinking of many of its members about involvements in other areas of the world.

Mr. MUDD. Senator, one of the things that you pushed for over the last few years has been a streamlining of our foreign aid policy. How much cooperation do you expect to get from the new administration on that?

Senator MANSFIELD. Well, I will just have to assume the answer to that question. I would think a great deal of cooperation. I would like to see more done to help people and less done to help governments.

Mr. MUDD. Do you regard the Nixon Administration, in foreign policy, as going after the policies of ten, fifteen, twenty years ago, of reinforcing NATO and maintaining a large military commitment abroad?

Senator MANSFIELD. I would hope not, because times have changed, and what was good two decades ago is not necessarily good today. As far as NATO is concerned, I would hope that the European members of NATO would do a good deal more and that we would do considerably less.

Mr. HERMAN. Wasn't it just a year ago that you advocated a strong reduction of our troops in NATO countries?

Senator MANSFIELD. Oh, yes, and a sense of the Senate resolution was introduced, signed by forty-nine members, and it was in the process of being accepted, in my opinion, but Czechoslovakia changed the situation. For the time being at least, we cannot think of a withdrawal of U.S. troops from Europe.

Mr. SHAFFER. But will you press it sometime during this session, Senator?

Senator MANSFIELD. Oh, basically I haven't changed my opinion. I still feel the same way.

Mr. HERMAN. This seems like a good point to interrupt. We will resume the interview with Senator Mansfield in a moment.

Senator Mansfield, Herb Klein, President-Elect Nixon's chief spokesman, said on this program some time ago he thinks the new Congress is more to the center than the old one. Is it?

Senator MANSFIELD. No. I would say that, as far as the Senate is concerned, it is about the same as the last one. As far as the House is concerned, I think, based on the figures, it might be a little more liberal.

Mr. HERMAN. What is going to happen in the Rule XXII fight in the Senate that you mentioned some time ago?

Senator MANSFIELD. Well, to be honest about it, I don't think that the rule will be changed, although I personally favor a shift from two-thirds of those present and voting to three-fifths.

Mr. MUDD. Senator, were you surprised at the election by your party caucus of Edward Kennedy to be your new assistant?

Senator MANSFIELD. No, I thought it could have gone either way and would not have been surprised at any result.

Mr. MUDD. Well, what do you think accounted for his victory?

Senator MANSFIELD. Well, I think the Kennedy name had something to do with it. I think that Kennedy's attention to Senate duties, both on the floor and in committee, the fact that he is a Senate man in the strictest sense of the word, far more so than were the late President Kennedy and his brother, the late Senator Robert Kennedy. All those factors tended to react in his favor.

Mr. HERMAN. The usual cliche is that a fight of this kind, a leadership fight, leaves scars inside the party. Realistically, does this leave any scars?

Senator MANSFIELD. No, I don't think so. There may have been disappointments temporarily, but Russell Long, I thought, acted with extremely good grace. It is my belief that Ted Kennedy will apply himself assiduously to his duties and that the Senators will accept the verdict and act accordingly.

Mr. SHAFFER. Senator Mansfield, do you see Teddy Kennedy as your party's nominee in 1972?

Senator MANSFIELD. I wouldn't be in the least surprised.

Mr. MUDD. You would not be in the least surprised.

Senator MANSFIELD. I would not be in the least surprised.

Mr. MUDD. But do you think this move for the assistant leadership the other day was a first step toward the nomination?

Senator MANSFIELD. No. I think it is an indication of Senator Ted Kennedy's dedication to the Senate and the fact that he wants to participate more actively in its affairs.

Mr. MUDD. Well, now, it has been written that, if in 1970 you decide not to seek another term, Ted Kennedy would be in a position to take it all in the Senate.

Senator MANSFIELD. If that happens.

Mr. MUDD. Yes.

Senator MANSFIELD. That could happen, but I have no intention.

Mr. MUDD. No intention of what?

Senator MANSFIELD. Of retiring in 1970.

Mr. MUDD. Oh, you do not?

Senator MANSFIELD. No.

Mr. SHAFFER. You mean either from the Senate or from your leadership post?

Senator MANSFIELD. Correct.

Mr. SHAFFER. Senator Smathers said that Ted Kennedy's election will force more and more southerners into the Republican Party. I am speaking of Senator Smathers of Florida, who is retiring now. Do you agree?

Senator MANSFIELD. No, I don't, and George Smathers wouldn't have said that had he still been in the Senate.

Mr. MUDD. Do you think he is running for Governor of Florida? Is that——

Senator MANSFIELD. I don't know what his plans are. He is a good man.

Mr. MUDD. Can we get you on the record as to how you voted in caucus for the assistant majority——

Senator MANSFIELD. No. The session was executive, the vote was secret.

Mr. MUDD. Well, some have decided to make it public, and I just wanted to see what you would think about that.

Senator MANSFIELD. Well, that is their privilege.

Mr. SHAFFER. Senator, quite often a party gives its presidential candidate a second crack at the White House. Do you think Hubert Humphrey will get that second chance?

Senator MANSFIELD. He may. He will be in there. He will be a power in the party in the years ahead, and what Hubert will do, Hubert will decide.

Mr. MUDD. Senator, your answer about Edward Kennedy—your answer that you would not be at all surprised if Edward Kennedy would be your party's nominee in '72 is intriguing. There is a large body of thought that feels that really he shouldn't, simply because of what has happened before, the death of his two brothers. Do you think that has any bearing on what a nation should expect of a politician under those circumstances?

Senator MANSFIELD. I think it does have a bearing, but Ted Kennedy is a man of courage.

Mr. HERMAN. He will make his own decision, you would say?

Senator MANSFIELD. He will make his own decision.

Mr. HERMAN. Senator, in this situation now, just a year ago, with the Democratic Administration and a Democratic Congress, the Congress imposed mandatory spending levels on the administration. Is it likely that this sort of new trail is going to be blazed still further, now that you have a Republican Administration and a Democratic Congress?

Senator MANSFIELD. I would hope so, and I would hope that there would be a diminution in selected areas in government spending, because the monies we are putting out are entirely too much and I think they could be distributed——

Mr. HERMAN. Are you saying—excuse me, I didn't mean to interrupt.

Senator MANSFIELD. That's all right.

Mr. HERMAN. Are you saying a diminution by congressional order, that Congress should specify which areas should be held down?

Senator MANSFIELD. Not necessarily by congressional order, though it is our primary responsibility, but I would hope in cooperation with the President.

Mr. SHAFFER. Senator, I know you and your colleagues have talked a lot about cooperating with the New President, yet there are a number of Democratic Senators who are talking about opposing Secretary of Interior-

Designate Hickel for his post. What is your judgment on it?

Senator MANSFIELD. Well, I think that the Senate has a duty and a responsibility to look into all these candidates for the Cabinet proposed by President-Elect Nixon. And if Mr. Hickel had observed President-Elect Nixon's dictum to say nothing until January 20th, he wouldn't be in the trouble he evidently is in today. But he has made some statements which are going to be gone into quite thoroughly by the Committee on Interior and Insular Affairs.

Mr. SHAFFER. Is it within the realm of probability that his nomination might not be confirmed if he stands by those earlier statements?

Senator MANSFIELD. Oh, I wouldn't say anything this far ahead, Sam. I think the nominee should be given every opportunity to express his opinions, should be treated with fairness. And I hope he has the answers which will satisfy the committee.

Mr. SHAFFER. But you expect an inquiry in depth in this particular case?

Senator MANSFIELD. Yes, indeed. I understand that Senator Jackson, of Washington, has announced that hearings will be conducted beginning on the 15th of this month. Incidentally, I hope it will be possible, and I have asked all the Democratic Chairman of the committees to hold hearings, to have these nominees ready for confirmation on the day that Mr. Nixon is inaugurated.

Mr. HERMAN. Is there a tradition or a philosophy in the Senate that new in-coming President should have the right to the Cabinet of his choice, barring some real dereliction?

Senator MANSFIELD. Yes, indeed, and it is a good tradition.

Mr. HERMAN. And do you think that will tip the odds a little bit for Mr. Hickel?

Senator MANSFIELD. It will depend upon Mr. Hickel's testimony. He will be treated with fairness and discretion. He will not be badgered. He will have to answer some questions based on statements which he has made.

Mr. MUDD. Senator, are you in favor of a congressional pay raise?

Senator MANSFIELD. That is a tough one to ask me, but let me put it this way: I would say that it should not be on the order of the Kappel Commission's recommendations, that if there is a pay raise it should be scrutinized quite carefully and that it should be justified or not allowed.

Mr. MUDD. The Commission's recommendation was that the annual salary be jumped from $30,000 a year to $50,000.

Senator MANSFIELD. Too much.

Mr. MUDD. Too much. Would you strike a $40,000 compromise?

Senator MANSFIELD. Somewhere around there, if it was justified. But I would have to have all the facts at my disposal, speaking for myself. I can get along pretty well on what I am making. I don't come from a big state.

Mr. SHAFFER. Senator, during the campaign, you know, President-Elect Nixon spoke a great deal about the need for reorganizing the government. His powers, or the powers to do this, have lapsed. Are you disposed to get through legislation quickly to give the new President the power to reorganize the Executive Branch of the government?

Senator MANSFIELD. Yes, I would be prone to go in that direction.

Mr. SHAFFER. Do you think that Congress would feel that way, too?

Senator MANSFIELD. I would guess so, I wouldn't know.

Mr. HERMAN. Well, now, the major issue—if you finished that answer—the major issue that President-Elect Nixon campaigned on, or at least one of the major issues was crime and the disorder and lawlessness in the streets. Do you think the mood of the Congress now is such that it would accept a new load of anticrime legislation which might tip somewhat the balance between the courts and the criminals?

Senator MANSFIELD. That is a question that I couldn't answer at this time——

Mr. HERMAN. What is your own feeling?

Senator MANSFIELD. Until I see the legislation and have a chance to dissect it and interpret it. Then I could give you an opinion. As of now, I would have to withhold judgment.

Mr. SHAFFER. Senator, I want to ask you, you Democrats control Congress now, what will——

Senator MANSFIELD. On paper.

Mr. SHAFFER. On paper, yes. What will you do with this control? Will you initiate legislation or do you sit back and wait for the Republican President to submit his legislation?

Senator MANSFIELD. Basically we will wait for Mr. Nixon to submit legislation but, by the same token, we have the authority, the right and the responsibility to initiate legislation on our own. We have been prone not to assume that responsibility for all too long, and I don't think that all wisdom emanates from the Executive Branch, regardless of who is in power.

Mr. HERMAN. But isn't there actually a good deal of interplay back and forth between the Congress and the White House? For example, Mr. Nixon has talked to Mr. Mills, to ascertain his views on taxes. Doesn't it actually go in both directions?

Senator MANSFIELD. That's right, and I would hope that on legislation which the incoming administration will propose, that Mr. Nixon will follow the Johnsonian policy of calling in the chairmen and the ranking minority members of the committees concerned with the particular pieces of legislation, to get their advice and counsel.

Mr. MUDD. Senator, when and why did you decide about your 1970 retirement?

Senator MANSFIELD. Oh, when I was elected the last time.

Mr. MUDD. But you have always fudged a little on what your future plans were, and today you seem so definite that—you always used to put us off, if you remember, but now there is no question about it.

Senator MANSFIELD. There is a breaking point, even in modesty.

Mr. SHAFFER. Senator, do you think a coalition of southern conservatives, Democratic conservatives and Republicans will dominate the 91st Congress?

Senator MANSFIELD. Not in the Senate, because I think that coalition idea has not been understood thoroughly. There have been rare occasions when the southerners and some of the Republicans had gotten together, but there have been more occasions, in my opinion, when moderate Republicans and progressive Democrats have gotten together. So you have the coalitions working both ways.

Mr. MUDD. But with the shift of Richard Russell to the Appropriations Committee, is there not a stronger possibility that there would be a more conservative cast in the Senate?

Senator MANSFIELD. No, I would say the cast of the Senate would be the same this year as it was last year, fairly liberal.

Mr. HERMAN. What is the impact of having a Republican Administration over it all? Doesn't that tend to aid Democratic Party unity in the Senate?

Senator MANSFIELD. It should, but time will tell.

Mr. SHAFFER. Well, in that connection, now that you have divided party control in the two branches of government, are we going to have, despite all these pious declarations of cooperation, aren't we really going to have some frustration, some politicking, some stalemate?

Senator MANSFIELD. Unfortunately, yes, but we will do our best to accommodate the President because, as I said in the beginning, he has great problems, almost insurmountable difficulties to overcome. We will try to make him a good President because if he succeeds, as I said before, the Nation will benefit.

Mr. HERMAN. The last man who held your position was Lyndon Johnson. He went on to become Vice President and President of the United States. Are you on an upwards path?

Senator MANSFIELD. Absolutely not. I am delighted just being a Senator from the State of Montana.

Mr. SHAFFER. Senator, we have passed an awful lot of legislation in the past four years, do you think we ought to keep doing it?

Senator MANSFIELD. No, I do not. I think perhaps we may have passed too much legislation, spent too much money. I think it is time to reorganize, tighten our belts, and——

Mr. HERMAN. Senator, I'm sorry, we spent too much time as well. I am sorry, our time is up. Thank you very much, Senator Mansfield for being with us here on "Face the Nation."

ANNOUNCER. Today, on "Face the Nation," the Senate Majority Leader, Senator Mike Mansfield, of Montana, was interviewed by CBS News Correspondent Roger Mudd, Samuel Shaffer, Chief Congressional Correspondent of Newsweek Magazine, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will "Face the Nation." "Face the Nation" originated, in color, from CBS Washington.

STEAM POWERPLANT SITE SELECTION

Mr. KENNEDY. Mr. President, recently the energy policy staff of the Office of Science and Technology completed a study entitled "Considerations Affecting Steam Powerplant Site Selection." The report analyzes the outlook for electric power needs in the future, and the need for powerplant sites. The bulk of the report then discusses the various environmental and other effects of large electric powerplants and the considerations which should enter into decisions on where to build the necessary plants. In its own words:

> The report assembles in a single document our present knowledge of the public interest considerations that should play a role in planning the power plants of the future.

I agree completely with the report's emphasis that—

> The siting problem is thus one that concerns not only the State and Federal regulatory agencies with long-standing responsibilities in the electric power field, but also the agencies with environmental and other public interest responsibilities. The considerations go beyond mere location and involve the extent to which special investments are required for safety, for preserving the quality of our air and water resources and for other public interest considerations.

The report underscores the need for overall planning and coordinated development in the siting of large electric powerplants.

With demand for electric power in this Nation doubling every decade, and with economies of scale dictating construction of larger and larger plants, there is a great danger that random siting of new plants will cause pollution of our natural resources and irreparable harm to the environment.

To avoid this damage, during the last session of Congress I introduced legislation calling for the development of a comprehensive national plan for the sit-

ing of large electric powerplants. The aim is to identify appropriate locations for plants to operate at maximum efficiency without harm to the environment or danger to public safety.

It has become increasingly clear that in the siting of large plants, coordinated planning is necessary to assure protection and effective utilization of environmental assets, including land, water, recreation, scenic, ecological, and historic elements.

The present report identifies many of the criteria which should be considered in the preparation of such a study and is a constructive first step in the direction of overall planning. I want to congratulate the energy policy staff for its investigation of this important area and for the high quality of its report.

I intend to reintroduce legislation calling for a national siting plan early in this session of Congress, and I am hopeful for prompt and favorable action.

Mr. President, I ask unanimous consent that the summary section, "Background and Highlights of the Report," be printed in the RECORD.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

BACKGROUND AND HIGHLIGHTS OF THE REPORT

Everyone agrees that electric power supply is vital to the Nation and that we must find sites for the power plants needed to meet the Nation's rapidly expanding use of electricity. Nevertheless, "Don't Put It Here" is increasingly becoming the public's reaction to particular sites selected by the utilities. Furthermore, the electric utilities are facing increasing competition for sites because our land resources are limited and the ingredients of a prime site for electric generation also make it attractive to many other expanding industries.

The siting problem is thus one that concerns not only the State and Federal regulatory agencies with long-standing responsibilities in the electric power field, but also the agencies with environmental and other public interest responsibilities. The considerations go beyond mere location and involve the extent to which special investments are required for safety, for preserving the quality of our air and water resources and for other public interest considerations.

There is increasing public interest in the power plant siting problem but discussion of solutions has been inhibited by the lack of a common factual base. Commissioner James T. Ramey, of the Atomic Energy Commission, in a speech to the Federal Bar Association in October 1967, suggested the establishment of a broadly based Federal interdepartmental committee on electric power plant siting to develop a coordinated approach to the planning of ways to handle the many problems affecting siting. The agencies in the Federal Government most deeply concerned with the siting problem—the Atomic Energy Commission (AEC), Federal Power Commission (FPC), Department of the Interior, Department of Health, Education, and Welfare (HEW), Rural Electrification Administration (REA), and Tennessee Valley Authority (TVA)—were happy to cooperate with the Energy Policy Staff of the President's Office of Science and Technology in implementing this suggestion which has led to the preparation of this factual report. We have also benefited from the cooperation of the National Association of Regulatory Utility Commissioners (NARUC) and the State utility commissions throughout the Nation in providing a survey of the important work of the States on this problem.

The report assembles in a single document our present knowledge of the public interest considerations that should play a role in planning the power plants of the future. We are aware that our knowledge is incomplete, and in some areas nonexistent, but focusing attention on the need for further research is also an important function of the report.

In preparing the report we have not investigated any plant sites. Such investigations are presently the initial responsibility of the individual utilities in the various segments of the electric power industry. Our purpose was rather to attempt to compile material which could be of assistance to the industry and to the various governmental units with responsibility for approvals of sites selected by the utilities, to interested groups of citizens, and individuals.

The report contains no policy pronouncements, but it may well serve as a basis for discussion of whether additional surveys, research, or other action by the industry or government is needed to protect the public interest.

The first chapter of the report attempts to delineate the dimensions of the siting problem in the future. Our projections suggest that in the next two decades we will triple the present electric power generating capacity but we can do so with far fewer new sites than the number the industry presently occupies. The reason is that most of the new capacity in the next 20 years will come from some 250 huge power plants of 2 to 3 million kilowatts each. By contrast there are some 3,000 power plants in existence today. While there will certainly be small plants in addition to the 250 or so large plants, the siting problem in the future will not be one of finding room for a proliferation of power plants, but rather being sure that the relatively small number of mammoth-sized plants are adequately planned and located to meet the twin goals of low-cost, reliable power and preserving the quality of our environment.

The need for coordinated planning to identify the prime sites that will best satisfy the many economic and environmental requirements for future plants is rather obvious. Each of these plants with an on-site investment of some $300 to $400 million will be among the largest industrial establishments in the Nation. In the aggregate they will represent upwards of $80 billion of investment profoundly affected by the public interest.

One of the interesting results of the report has been identification of the large number of public interest factors which should be considered in the siting and construction of power plants of the future. While there are probably other factors yet to be identified, the report suggests that the plans for power plant siting should:

1. Comply with the safety criteria for nuclear plants as prescribed by AEC.

2. Comply with air pollution criteria and standards as established by the States and the National Air Pollution Control Administration of HEW.

3. Comply with the water quality standards for thermal effects as established by the States and the Federal Water Pollution Control Administration of the Department of the Interior.

4. Develop the opportunities for public recreation at plant sites and avoid impairing existing recreational areas.

5. Consider aesthetic values and give adequate attention to the appearance of power plant facilities and associated transmission lines.

6. Recognize the rural development considerations in plant siting.

7. Consider the siting and lead-time requirements for reliability of service.

8. Consider the impact on defense preparedness of particular sites and power plant capacities.

9. Consider the routing of associated transmission lines and the problems of rights-of-way at various alternative plant locations.

10. Assure that the plant will be of sufficient size to meet regional loads including mutually agreeable arrangements for meeting the bulk power needs of the small utilities.

11. Consider prospects for combining power plants with other purposes such as desalting plants, industrial centers, and even new cities.

These are all considerations over and above such basic requirements as sufficient land, the availability of transmission, fuel and the whole gamut of factors which every utility considers before deciding on the size, type, and location of a power plant.

The report identifies the physical requirements for siting the large power plants of the future. A 3,000-megawatt (mw) power station requires a very large tract of land, be it nuclear or fossil fueled. A nuclear plant of that size under existing AEC criteria would require some 200 to 400 acres, not to mention one or more rights-of-way of some 250 feet in width leaving the plant site. A fossil-fueled plant would require 900 to 1,200 acres to accommodate a large coal storage area and an area for disposal of slag, and room for SO_2 removal facilities.

Access to highway, railway and water transportation are important ingredients of a site. And for a fossil plant, access to low-cost fuel is an essential ingredient. An adequate supply of cooling water is a must and even the meteorology of the area must be studied. There are numerous demanding requirements for a prime power plant site and it is obvious that the electric power industry will be competing with other industries and other land uses for such sites in the future.

The interest in power plant siting in recent months has been accentuated by the fact that large nuclear power plants have come of age. Chapter III sets forth the criteria which the AEC applies in approving such sites today and describes its research efforts for the future. Existing safety criteria rely on distance from a population center, combined with engineered safety features to protect the public. Emphasis is being placed on high-quality engineering to assure greater reliability of operation. As more experience is gained, and safety and reliability proven, greater flexibility in nuclear plant siting will be permitted and plants will undoubtedly be located closer to population centers.

AEC is stressing the need for stricter codes and standards for quality assurance in the design and construction of nuclear plants. Areas of potential earthquake present special problems for nuclear plant siting and AEC takes a conservative approach with respect to such sites for the present. The air pollution problems at nuclear plants are minimal. Significant radioactive wastes are not generated at plant sites but are a product of processing plants which are not the subject of this report because they can be located economically in remote areas.

It is of interest that under existing law, AEC's review of nuclear power plant siting is limited to nuclear plant safety and antitrust review of commercial licenses.

Air pollution control is a most important factor in siting fossil-fueled plants. Existing power plants contribute to our air pollution problem primarily through the emission of particulate matter and sulfur oxides but also through emission of oxides of nitrogen. Chapter IV describes the problem and outlines the air pollution control program of HEW in cooperation with State agencies. Control equipment is now available to collect some 99 percent of particulate matter rather than emit it to the atmosphere. The problem area is with the pollutants that are in gaseous form.

A major research effort is under way to develop economical means of removing the sulfur after fossil fuels are burned and be-

fore the resulting gases are emitted to the atmosphere. The ability to utilize this Nation's vast coal resource for power production is dependent upon the success of such research and development efforts. Tall stacks may provide sufficient dispersion at remote sites, but there is a need for more effective controls even in rural areas. Certainly the ability to locate fossil plants in or near metropolitan centers in the future requires economic air pollution control equipment. Chapter IV also describes the techniques for promulgating air pollution standards pursuant to the Clean Air Act of 1967.

A major power plant siting consideration is the disposal of waste heat into the Nation's waterways. In recent years we have come to realize that injecting huge quantities of heat into a waterway can create a new form of water pollution and for that reason the States, in cooperation with the Department of the Interior's Water Pollution Control Administration, have adopted temperature limitations for the Nation's interstate waterways. Chapter V describes the problem and solutions which can have a profound impact on power plant siting. While the problem exists for both fossil and nuclear plants it is some 40 to 50 percent greater in light water nuclear plants because of their lower thermal efficiency and the fact that more of the heat is discharged to the atmosphere through the stack in fossil fueled plants.

Power plant siting must be responsive to the increased public concern for the quality of our environment. A giant power plant and associated transmission lines can do great damage to fish and wildlife, aesthetic and recreation values if improperly located or poorly planned. On the other hand, the same plant in the right location and with proper architectural treatment and imaginative utilization of adjacent lands can be an important recreational and educational facility in itself. Chapter VI describes these areas of concern and contains many specific suggestions which would make both power plants and associated transmission lines more compatible with their surroundings. The first step is the development of a comprehensive land use plan for the area in which a power plant is to be located.

Chapter VII highlights the rural development considerations in generating station siting. A large power plant representing an investment of hundreds of millions of dollars can profoundly affect the local economy as well as the surrounding environment, and this is especially true if the plant is located in rural America. Recreational opportunities and the clean environment are major attractions of rural areas today. The chapter points out that rural America should, therefore, not be considered a place of refuge from environmental controls. However, rural America does offer opportunities for economic power plant sites that will contribute to the full development of the Nation and these opportunities are set forth.

There is a definite relationship between the problems encountered in power plant siting and the industry's success in achieving reliability of electric power service. A reliable, stable power system requires a proper balance in the location of generation with respect to concentration of loads. It is also important that a utility be able to build and operate a plant on schedule if growing loads are to be met with reliable service. These interrelationships of the reliability and siting problems are discussed in Chapter VIII.

Power plant siting and associated transmission lines are inseparably related and must be jointly considered. With the technical breakthroughs in high-capacity, low-unit-cost EHV transmission lines, sites quite remote from loads have become economically feasible. The construction of EHV lines to achieve economies of interconnected operations is making available an interconnected grid over large regions of the Nation which is providing a great deal of needed flexibility in locating power plant sites. Chapter IX discusses these aspects of power plant siting and also suggests that a great deal of research and development will be required before transmission lines can be placed underground without major additional costs.

Today steam power plants are essentially single-purpose facilities. However, there are advantages inherent in combining steam power plants with other industrial processes and such power plants are apt to become part of multipurpose operations in the future. This is, of course, nothing new for the electric power industry since multipurpose hydroelectric plants have been part of the American scene for many decades. A combination power plant and desalting plant is already under active consideration. Chapter X also describes other possibilities, including combining a huge plant to convert coal to crude oil with a power station that would be fueled by the by-product char. Large energy centers are also being considered in which the power plant would be the hub of an agro-industrial complex.

The report would be incomplete without at least a summary description of the activities of the various State agencies that are concerned with many, if not all, of the considerations which it highlights. Chapter XI contains the results of a survey we made of the activities of the State utility commissions in licensing new thermal power plants. It also presents a summary of the activities of other State agencies concerned with the quality of the environment, recreation and related matters. Air pollution control regulations are particularly complex, due to the number of local variations. Chapter XI also discusses recent novel programs undertaken by four different States as examples of State initiatives in the area of power plant siting.

CONNECTICUT RIVER

Mr. RIBICOFF. Mr. President, the Connecticut River is one of the most beautiful rivers in the world. But its beauty is threatened by pollution.

Cleaning up the Connecticut River is a serious challenge facing all of New England.

That challenge is being met. State and Federal pollution control programs are working effectively. All sections of the river, from the Canadian border to Long Island Sound, will be swimmable in just a few years.

But progress—that is, a clean river—may create a new problem: the unchecked commercial development of the Connecticut River Valley.

A pure Connecticut River will turn the river valley—the water banks, the ponds, the meadows, the heavily forested hillsides—into some of the most popular and inviting recreational areas in the Northeastern United States.

Ironically, there is the danger, real and not far down the road, that by eliminating water pollution from the Connecticut River we may introduce scenic pollution to the river valley.

A river valley landscape scarred with hotdog stands, billboards, carelessly planned trailer parks and rundown motels and cabins would be every bit as tragic as an eternally polluted Connecticut River.

Evan Hill, a professor of journalism at the University of Connecticut at Storrs, has written eloquently of this dilemma.

In the New York Times Sunday Magazine of January 12, 1969, Professor Hill points out that in the past a polluted Connecticut River was its own best defense against the scenic pollution of the river valley. Of the river he writes:

As long as it stank, no one wanted to be near it for long. But as soon as it runs sweet and clear again, there will be no need for anyone to keep this distance, and millions of Americans won't.

Professor Hill is not alone in his concern for future development of the valley.

It was to protect the valley from uncontrolled development—and to preserve the essential peace and dignity of the 410 miles of riverfront—that I introduced legislation in 1966 to direct the Department of the Interior to study the feasibility and desirability of a national park along the Connecticut basin.

Many Senators and Congressmen from New England supported and cosponsored this measure with me. Support and cooperation also came from State and local government officials and business and civic leaders.

After a 22-month study, the Department, through its U.S. Bureau of Outdoor Recreation, recommended creation of a four-State, 56,700-acre Connecticut River National Recreation Area.

The Bureau's report, issued last September, calls for three separate units of the national park and would include parts of Connecticut, Massachusetts, New Hampshire, and Vermont.

Key among all the recommendations in the report is a strong plea for cooperation from State and local governments and private interests in the proposed recreation area.

The proposal for a Connecticut River Valley National Recreation Area has received widespread support throughout New England.

And I plan to introduce legislation to create such a park early in this session of Congress.

I am particularly pleased, therefore, that Professor Hill has demonstrated so vividly and so accurately the reasons why the park is needed.

His article in the Times magazine is fittingly titled "Connecticut: Can the River Be Saved From Its Own Beauty?"

That title sums up the problem we face. Professor Hill describes the dilemma as few other writers have. His obvious love for the Connecticut River and river valley seems matched only by his knowledge and thorough understanding of the problems that these great natural resources are burdened with.

It is encouraging to know that such a perceptive observer and dedicated conservationist is on our side in this matter.

Others will find Professor Hill's article informative and moving. I ask unanimous consent to have printed in the RECORD the article entitled "The Connecticut: Can the River Be Saved From Its Own Beauty?" which was published in the New York Times Sunday Magazine of January 12, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONNECTICUT: CAN THE RIVER BE SAVED FROM ITS OWN BEAUTY?

(By Evan Hill)

For the last three years a 33-minute documentary film about the Connecticut River has been touring New England high schools and service clubs. Its narrator calls the river

"the world's most beautiful landscaped cesspool."

Not so; not so now, not so in the past and, because of such concern, it will never be in the future.

True, only a few sparkling spots remain where we can speak accurately of "the purity, salubrity, and sweetness of its waters," as did Timothy Dwight in 1837 when he wrote about the river: "This stream may perhaps with more propriety than any other in the world be named the Beautiful River."

But it is not a cesspool. It is merely polluted throughout most of its 410 miles, and it is this pollution that has saved its beauty. There is no necklace strand of wooden cottages strung along it as there is now strangling lakes and ponds only a few miles from it. There are no hot-dog stands or teetering pizza palaces garlanding its banks. It is beautiful, unsullied, unspoiled for the most part, but there are few who want to touch it. Sometimes when its flow is low and it cannot properly dilute the waste man dumps into it, its attraction to the eyes is overbalanced by its repulsiveness to the nose.

On a balmy August day last summer, a middle-aged New Hampshire hardware merchant went to picnic in a lush meadow at the junction of the Connecticut and the Sugar River near Claremont, N.H. "It was pleasant until we got to within 50 feet of the water," he recalls, "and then it smelled like a septic tank when it wasn't operating right."

Later, he thoughtfully proposed that "somewhere downstream they should build a great big septic tank and run the river through it."

In effect, that's what is happening to the Connecticut right now. It is being cleansed. As a result of recent state and Federal laws equipped with legal bite, municipalities and industry must stop dumping into it. Sewage plants are being built. Within six or seven years, the river will have regained much of its purity. Perhaps not enough to merit being called the Fresh Water River, as it was in 1614 when Adriaen Block, a Dutch explorer, discovered it. But certainly enough so that its purity will be a threat to its beauty.

As long as it stank, no one wanted to be near it for very long. But as soon as it runs sweet and clear again, there will be no need for anyone to keep his distance, and millions of Americans won't.

We have access to it. Seven interstate or limited-access highways serve the Connecticut corridor. I-91—one of the world's most beautiful highways especially in Vermont—follows the river for 224 miles north of Hartford; when completed it will leave the river at Barnet, once the head of the river navigation. I-93 runs from Boston through New Hampshire to the placid meanders of the upper river. Today the headwaters of the Connecticut are only about 10 hours from Manhattan, about five hours from Boston. When the interstates are finished, even that short travel time will shrink.

We will use those highways. Hungry for clean air and a clear view, we will burst out of the cities on weekends to taste the deep-lung bite of winter air, to smell the musty earth of a valley being born again in spring, to use the river's waters in the summer—swimming in it and skiing on it.

And there are enough of us close enough to the Connecticut to quickly turn the world's most beautifully landscaped cesspool into the world's most ugly landscape. Today more than six million persons live within 50 miles of the Connecticut. Greater Boston—with its 3.5 millions—is only 100 miles away. The mouth of the Connecticut with its clean salt marshes is less than 100 miles from the mouth of the Holland Tunnel. And we continue to breed.

Even so, it seems impossible that we could spoil it. There is so much of it. Dorothy Canfield Fisher once remarked that every Vermonter should celebrate Arbor Day by cutting down a tree—in order to get a view. Her comment seems justified. More than three-fourths of the 11,243 square miles in the Connecticut River basin is forested.

The man who flies the length of the river at 1,000 feet—as I have done—is awed by the enormous amount of unpeopled land below him. The efficient geometrical mosaic of farmer's tillage, the tufted texture of *gros point* cornfields, the miles of forest reaching past the horizon.

The beauty strikes you first. The meadows of Haddam are a delight, despite the town dump glinting in the sun as it tumbles into the river. Middletown swells around the river like the bulge in a boa constrictor, but it is inoffensive, especially when you know that its municipal wharf is a lawn, where a blue-uniformed policeman meets the river boats and slips their hawsers over a bulbous iron bullhead.

Hartford is less reassuring, webbed with bridges and gray concrete cloverleaves, spreading, smoking. But it's like a burl on a rock maple trunk; beneath its twisted gnarled bark there is a solid growth of hidden beauty.

You glide over Windsor Locks and its canal, twisting parallel to the river for 5.5 miles, four years in the digging with pick and shovel 140 years ago, and used by river freight until the steam railroad put boats out of business. Then past the shallow Enfield Dam, the first of 16 on the river. Hundreds of acres of tobacco land lie below you, shaded in summer by hundreds of acres of green cheesecloth stretched so high on stilts that a tractor can drive beneath the canopy.

The river meanders, flowing placidly, and it's so fine you want to buy it all and fence it in and invite people in to look at it. There are occasional jagged, cutting edges of esthetic corruption—the scars of gravel banks, burning town dumps on otherwise beautiful hillsides, ugly petroleum tank farms and rusty railroad bridges—but there are not many, and some are understandably needed, although you wish that industry could find ways to house itself in less offensive fashion.

The river sweeps north, broad and solid, and you think of earlier travelers, using the river itself as a highway, sailing it 300 years ago in 40-foot-long wooden ships, trading for beaver and otter pelts with Indians who met them in birchbark canoes. And the later men called "River Giants," feared in every saloon along the river's banks, from its mouth at Old Saybrook up to the dam at Windsor Locks. These thick-shouldered, heavy-drinking men poled the barges north. And now the diesel river boatmen who each year carry three million tons of cargo upriver, hauling to Hartford and waypoints, and half of this is fuel oil carried in tankers.

But you know the river is no longer important as transportation; highways parallel and straddle it. Its importance now is electric power—and recreation—and you look down on it with gratitude to nature and to man, who has spoiled it so little.

Then you are in Massachusetts, and you see Springfield and Chicopee and Holyoke ahead, bleeding into the river, staining it for miles with human and industrial corruption. (Later, a young Springfield native tells you, "If you swam in it, your arm would stick to your body; it's like glue.")

Like an ugly Rorschach blotch, the Springfield area population stains the valley, moving higher into the nearby hills and clinging there for air and view.

It is then you know the valley is in danger. You know that its size can't save it. Its beauty will kill it as soon as its bloodstream is pure again. The unplanned growth below you is proof that it always has been a push-over for fast-talking industrialists and land developers.

You think of the pizza slums of coastal Maine on the "scenic route" from Kittery to Kennebunk and the overlove lavished on large parts of Cape Cod, and you remember how beautiful these places once were. Then you know better than to underestimate the despoliation power of unchecked tourist affection, of unplanned development that allows otherwise sensible Yankees to plunder their own pride—their village commons and front yards, their own seaward views, their own white-painted piazzas.

To thwart such inevitable esthetic suicide, Senator Abraham Ribicoff three years ago began to campaign to save the river from itself. Last September, as a result of Ribicoff's efforts, the U.S. Bureau of Outdoor Recreation published a 92-page report, "New England Heritage," which had taken 22 months to prepare. It proposes a National Recreation Area for the river, with three new national parks. Two—one at the mouth of the river, and the other a few miles north of Holyoke—are to be in or near densely populated areas. The third site, despite its beauty, has very little population and negligible tourism—so far. It is in northern New Hampshire and Vermont, running for 82 miles along both sides of the river, almost to the Canadian border.

Other recommended Federal action includes the construction of about 200 miles of forest trail linked in two spots with the existing Appalachian Trail—near Hanover, N.H., and in New Hampshire's Presidential Range. In addition, the report proposes the delineating of certain existing river-valley roads in the four states as part of a "Connecticut Valley Tourway" which "would wind through country villages of great charm, across sparkling streams and picturesque coves, past many schools, including several of the nation's most honored colleges and universities, and near sites of considerable architectural, historic, archaeologic and geologic importance." Total estimated cost for the Federal efforts: $58 million.

Suggested state action includes the enlargement of Cockaponset State Forest in Connecticut, of the Mount Tom Reservation in Massachusetts and of state-owned forest lands in the Connecticut Lakes region of New Hampshire. In addition, the B.O.R. recommends two new state parks in Connecticut, two more in Massachusetts and two new interstate parks between New Hampshire and Vermont.

The report says that the beauty of the river "is threatened by the ever-growing appetite of Megalopolis for land and the shortsightedness of those who would fill and pollute the river."

How soon can the B.O.R. plan save the river—*if* it can? Even its most optimistic proponents know that it will be at least three years before a man with money in his hand can walk into a farmer's field to make him an offer on his land. Hearings must be held and legislation passed and eminent domain invoked when necessary.

But the report's authors hope for cooperation—a rare characteristic among Yankee landholders. They hope that individuals and corporations and town selectmen will work with state legislators and Federal officials to save the valley. Already some private conservation groups are considering the best way of merging their land holdings with the plan for the valley.

It is quite possible that the use of "scenic easement," a comparatively new and inexpensive way of preserving natural beauty, will be an efficient tool. In his latest book, "The Last Landscape," William H. Whyte, an authority on open-space conservation programs, explains that a scenic easement is the buying away from the owner of the land "his right to louse it up. . . . we acquire from the owner a guarantee that he will not put up billboards, dig away hillsides, or chop down trees; with a wetland easement, we acquire a guarantee that he will not dike or fill his marshland. Except for the restrictions, he continues to farm or use the land just as he has before; one of the main points of the

easements, indeed, is to encourage him to do just that."

How costly could this be, and how possible?

Drive north on I–91. Cross from Massachusetts into Vermont. Keep to sixty. Since there is little traffic, you can drive safely at that speed and still appreciate the magnificent scenery as you shoot north up the Connecticut River Valley. Swing down along the big arc around Brattleboro. Then up again. Watch now.

Here comes one of the greatest views of all, sweeping for miles ahead: Vermont on your left, the river churning slowly below you on your right, and the rising wooded hills of New Hampshire above it. White paper birch and pine. Hemlock. Spruce. Clean air; clear views. Open meadows rolling along the river's edge.

Then you see them. You can't miss, for you never were intended to. The outdoor advertising people call such a place "a good shot going around a corner." And ahead of you, on the unrestricted New Hampshire side of the river—at the end of one of the best "shots" in the world—are half a dozen giant billboards, some of them several hundred feet long, painted bright, Day-glo orange, lighted at night.

They are prohibited on the Vermont side. New Hampshire does not care; it does not legislate against them. To many travelers, having ridden miles along a soothing, advertisement-free highway, they are an impertinent, polluting effrontery. The manager of one Vermont inn advertised there admits that he gets "two to three letters a week from garden-club types," who probably never stay in a hotel anyway. But he says he gets more complaints from guests who want more signs to direct them. He's convinced he needs that sign.

Not long ago the Hanover Inn, owned by Dartmouth College, advertised on that particular "shot," but was shamed away and gave up its space. It did no good, however, for another client bought the board and is polluting the view right now.

Yet, there is a view other than the purist's. Travelers do need directions. And such "shots" are revenue producers. A New England outdoor-advertising company has said it would pay $1,000 a year on a 10-year lease, with a 10-year option, as land rental to the farmer who own the land supporting an offensive (and effective) sign now advertising baskets in that area. It is not known what that farmer earns from land rental now—and the signs do not interfere with his haying or grazing—but it may well pay his taxes, and if he has dickered sharply with the advertising man, it could send him to Florida in the winter. That's what he can earn by lousing up the land.

The cost of a scenic easement to stop this sort of thing is clearly negotiable; in many cases landowners donate easements simply because they oppose scenic pollution, or feel that in the long run, beauty is a hard-cash salable commodity. Others hold out for as much as they can get. Already 1,200 acres of the Blue Ridge Parkway in Virginia and North Carolina, and 4,500 acres of the Natchez Trace Parkway in Tennessee, Alabama and Mississippi have been protected by scenic easements.

It is too early now to assess the attitude in the valley about the proposed National Recreation Area. Many of those who will be directly affected have not yet read the study, although the original printing of 10,000 copies was exhausted less than four weeks after the plan was announced.

Committed conservationists support the plan with eagerness, especially in Connecticut where population pressure is greatest. Joseph N. Gill, State Commissioner of Agriculture and Natural Resources, says, "You can't make a mistake in buying land to preserve it for beauty and conservation. It can always be sold later, but after it's bulldozed, it can't be returned to what it was."

Valley residents in New Hampshire and Vermont, with much less population density, don't feel the pressure that exists in Connecticut and Massachusetts. Thus they are inconstant conservationists; they don't believe that Manhattanites will duplicate Manhattan in Vermont if permitted to.

All in all, the chances for a national recreation area along the Connecticut seem good. Senator Ribicoff plans to introduce enabling legislation into the Congress early in its next session. All major conservation groups and the natural-resources agencies in the four involved states support the plan.

And Connecticut will preserve the river no matter what happens in Washington. George Russell, director of administrative services in the office of the state's commissioner of agriculture and natural resources, says, "We are already filling in the spaces left open between the Federal proposals." The state plans to spend about $7 million on river land acquisition and development, and already has acquired 21 miles of the abandoned riverside Middletown-Old Sayrook line of the New Haven Railroad.

Andrew George, a real-estate agent in Colebrook, N.H., says that most north country residents in the region where one of the national parks is proposed, are totally unimpressed with the scheme. "Most feel that it'll take land from the tax base," he says, "that it'll bring in people who'll clutter up the place and won't bring money in."

The New Hampshire men now fretting about a smaller tax base are typical of taxpayers faced with Federal or state land-taking. But the problem for them is indeed minor. True, the Federal Government is unlikely to give the towns tax compensation, although it has at times in the past. But the anticipated land-taking—for boat access and campsites—along the northern stretch of the Connecticut is only 1,000 acres along 82 miles of river, Such land need not be highly taxed prime farmland or timberland. In addition, studies have shown that tax earnings from private lands near parks and preserves increase after land-taking. Potential buyers are willing to pay more when they know that the beauty of the land will be preserved because their neighbor is the state or Federal Government.

Mrs. John Hennessey Jr., of Hanover, N.H., disagrees with the plan's opponents. She is chairman of the Governor's Committee on Natural Beauty. "This proposal is here in the nick of time," she says, "and perhaps not even in the nick of time. If this doesn't happen, we'll have strip development along the river, with hot-dog stands and trailer parks and run-down boat-lunch sites and shoddy 50-cent-a-night camping spots. Unplanned development will devalue property in the whole valley."

But to know a river, you must travel on it, and perhaps the most recent experts on the whole run of the river—from the Canadian border to Long Island Sound—are 20 grade-school boys and six adults from Becket Academy in East Haddam, Conn. Last August they canoed 380 miles of the river.

For eleven miles south from Lake Francis to Canaan, Vt., they drank from the river, dipping it in their dripping hands over the sides of the canoe. Then "the muck and the sewage closed in," according to 13-year-old Michael Peters.

"We wanted to see a beautiful river," says 12-year-old Dunne Iannolillo, "but sometimes we wanted to quit because it was so ugly."

Below Groveton, N.H., one boy stepped thigh-deep in human excrement. One afternoon, after hours of paddling through dead fish and raw sewage, with toilet paper hanging from the paddles, 10 of the boys and two adults threw up. Off Norwich, Vt., they saw a beer-can dump, with thousands of cans tumbling into the water.

Off Holyoke "the yellow dye running into the river looked like vomit," according to young Iannolillo. Each day they used sand to scour the scum from their aluminum canoes. At the Middletown steam-generating plant of the Hartford Electric Light Company (which consumes 3,000 tons of coal a day) they felt the heat of the river's water on their bare knees as they knelt and paddled, and they recorded the surface temperature of the water. Above the plant, 72 degrees; at the plant's outlet, 88; a half-mile downstream, 76. At the Connecticut Yankee Atomic Power Company plant at Haddam Neck, they felt the heat again. Ninety degrees at the mouth of the plant's spillway; 88 degrees a half-mile out into the wide stream.

They counted 23 town dumps on the river, and an uncountable number of private dumps. Three of the boys, assigned to count sewers, gave up on the second day. "There were just too many; we wondered if we could count that high," says 13-year-old Mark Lavigne. They paddled around wrecked automobiles dumped into the river. A man in an airplane, even as low as 1,000 feet, or driving along the river's bank, does not often see such things.

But he also does not truly sense the essence of the beauty of the river. Sidney I. DuPont, the 27-year-old teacher who directed the trip, says that "canoeing the Connecticut is like running through a chute of wilderness. You know that roads are up on the banks, but you don't see them because of the trees between you and the roads. You almost never see anything but river and sky and forest. You rarely hear anything but birds."

The boys saw deer drinking at the river's edge. An American bald eagle hovered over them as they drifted, gawking skyward. They say pintail ducks and heron, watched muskrat and otter ripple the river as they swam nearby. In the dusk they saw beaver and heard them thunder their tails against the water in warning.

Young Mike Peters soon learned that the river is as erratic in its cleanliness as are the people living on its banks. "It flushes itself out every so far and becomes clean." he says, "just in time for another town to pollute it again." (A river cleanses itself by diluting pollutants until they are harmless and by bacterial action on biological wastes. This action robs the water of oxygen, but the river aerates itself in rapids and by absorption of oxygen at the surface of the water.)

The Connecticut is not erratic in its beauty. DuPont, who has canoed six other New England rivers besides the Connecticut, calls it "the most beautiful I've ever canoed. It's clean to Groveton and Lancaster. Then bad for 30 miles. Then it cleans itself and for about 150 miles from Wells River, Vt., to Northampton, Mass., it's swimmable. I'd swim in it. Then it's very bad from Holyoke to Windsor. After that it starts cleaning up because of the tides that reach up more than 50 miles past Hartford.

"If Holyoke, Springfield, Chicopee, Groveton and Lancaster would stop dumping, the Connecticut River everywhere would be sweet and pure," he says.

If that is all it will take to clean the river—and Christopher Percy, executive director of the Connecticut River Watershed Council in Greenfield, Mass., says that DuPont's statement "is so close to being true, leave it as it is"—then the valley can be ruined sooner than we fear. DuPont saw it at its worst, when its flow was lowest, and he was enraptured by what he saw. Other months are better.

Twelve-year-old Anthony Dickey certainly remembers the beauty of the river along with its occasional ugliness, and he's impatient. "It's like killing the United States to make that valley ugly," he says. "Everybody should do something!"

True, everybody should, but will they? Everybody never has before. Indeed, why should they if doing something will cut off land rentals for giant billboards, or keep the bulldozers off the hillsides?

On the other hand, if little Mike Peters is right, there's a good reason to save the beauty of the Connecticut. "A river," he says softly, as he remembers his canoe trip, "a river forms life. It provides peace. It's life running along."

THE 19TH OLYMPIAD

Mr. MANSFIELD. Mr. President, the 19th Olympic games, held in Mexico City last October, are history. In terms of sheer size and record-shattering performances, the 1968 games were spectacular. More than 7,500 athletes from 112 nations competed at an altitude which was unprecedented for an athletic event of this stature.

Our American Olympic team performed magnificently. Every fifth medal was awarded to an American athlete. But other nations did well, too, including host Mexico with nine medals, a record for that country.

Despite dire predictions about the effects of the rarefied air of Mexico City, tragedy was averted, records fell, and glory accrued to those who shared in the 526 total medals awarded. In a larger sense, glory accrued to the host nation for assuring that the dire predictions were ill founded.

Mexico spared no effort to make the 1968 Olympic games the most successful ever. Shirley Povich, the respected sportswriter for the Washington Post, wrote:

Mexico topped Tokyo, Rome and every other Olympic site for beauty of its installations and friendliness toward visitors.

I salute President Diaz Ordaz, his Olympic committee, and the people of Mexico for their achievement, and I ask consent that several articles describing the Olympic games be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES FINISHES WITH 107 MEDALS—80,000 WATCH OLYMPICS CLOSE

MEXICO CITY, October 27.—The controversy-riddled 1968 Olympic Games closed tonight with a burst of color and pageantry before a sombrero-waving crowd chanting college-style yells.

More than 80,000 jubilant fans, chanting "Mexico, Mexico, Mexico," saluted the flags and athletes of 112 nations at the finish of a record-shattering 15 days of athletic competition on this 1½-mile-high plateau of the ancient Aztec world.

To the strains of "Las Golondrinas," a traditional Mexican song of farewell, the Olympic flame atop the Olympic Stadium was extinguished and the giant scoreboard flashed "Munich 72" in tribute to the next Olympics.

For the United States, the games marked a return to the top position in amateur sports. After trailing Russia in total medals won for three straight Olympiads, the Americans regained the unofficial—but much-coveted—over-all team championship.

The U.S. collected 107 medals, including 45 gold. Russia, dropping to second place, won 91 medals, including 29 gold. The U.S. total was the highest ever for one nation in one Olympiad.

FINAL MEDALS

	Gold	Silver	Bronze	Total
United States	45	28	34	107
Russia	29	32	30	91
Hungary	10	10	12	32
Japan	11	7	7	25
East Germany	9	9	7	25
West Germany	5	10	10	25
Poland	5	2	11	18
Australia	5	7	5	17
Italy	3	4	9	16
France	7	3	5	15
Rumania	4	6	5	15
Czechoslovakia	7	2	4	13
Great Britain	5	5	3	13
Kenya	3	4	2	9
Mexico	3	3	3	9
Bulgaria	2	4	3	9
Yugoslavia	3	3	2	8
Denmark	1	4	3	8
Netherlands	3	3	1	7
Iran	2	1	2	5
Canada	1	3	1	5
Switzerland	0	1	4	5
Sweden	2	1	1	4
Finland	1	2	1	4
Cuba	0	4	0	4
Austria	0	2	2	4
Mongolia	0	1	3	4
New Zealand	1	0	2	3
Brazil	0	1	2	3
Turkey	2	0	0	2
Ethiopia	1	1	0	2
Norway	1	1	0	2
Tunisia	1	0	1	2
Belgium	0	1	1	2
South Korea	0	1	1	2
Uganda	0	1	1	2
Argentina	0	0	2	2
Pakistan	1	0	0	1
Venezuela	1	0	0	1
Cameroon	0	1	0	1
Jamaica	0	1	0	1
Greece	0	0	1	1
India	0	0	1	1
Taiwan	0	0	1	1

Athletes from all around the globe broke ranks and spread toward the stands at the end of tonight's closing ceremonies.

Blacks and whites, some of them in flowing African robes and others in natty sports attire, rushed toward the stands, waving hats and raising their hands in friendly salutes.

Moment's earlier, Avery Brundage, 81-year-old president of the International Olympic Committee, had stood on a small stand in the center of the infield to proclaim the end of the 19th Olympiad and summon the athletes of the world to meet in the German city in 1972.

At the conclusion of the final parade, students and gaily dressed Olympic hostesses poured from the stands to join athletes in striding arm and arm around the infield.

It was an emotional sight, one in marked contrast to bloody incidents prior to the Games when rebellious students clashed with government forces in riots which caused scores of deaths, hundreds of injuries and thousands of arrests.

There had been fear that similar riots might disrupt the competition among more than 7500 athletes, but the threat never materialized.

The U.S. delegation for the closing was a stunning one—seven athletes who won here a total of 12 gold medals.

Carrying the U.S. flag in the parade around the running track of the stadium was Al Oerter of West Islip, N.Y., who won the men's discus throw—thus becoming the first athlete in Olympic history to win the same event in four stright Olympiads.

Marching in the parade of athletes were Wyomia Tyrus of Griffin, Ga., winner of gold medals in the women's 100-meter dash and women's 400-meter relay; Debbie Meyer of Sacramento, Calif., winner of three individual gold medals in swimming; Charles Hickcox of Phoenix, Ariz., winner of three gold medals in swimming; Army Lt. Gary Anderson of Axtell, Neb., gold medalist in free rifle shooting; Army Lt. Mike Silliman of Louisville, Ky., member of the unbeaten U.S. basketball team, and George Foreman of Pleasanton, Calif., who capped the whole show for the U.S. Saturday night by technically knocking out a Russian rival to win the heavyweight boxing title.

MARKED BY CONTROVERSY

The Games had been marked by controversy almost since the time they were awarded to Mexico. There were dire predictions that Mexico City's 7350-foot elevation would prove disastrous to athletes and produce sub-par performances.

There were no fatalities, although there were many exhaustion cases. And never before have so many world marks fallen in one Game—no less than nine in men's track and field and six in women's, and one tied in each. Five world marks fell in swimming.

For the U.S., the Games were marked by the outbreak of a racial dispute, triggered when medal-winning runners Tommie Smith and John Carlos gave a black-power gesture during the medals ceremony. Smith and Carlos were subsequently dropped from the U.S. team.

America's swift track men, its youthful swimmers and its basketball team were the stars in the collection of its 107 medals. The swimming team alone won 23 gold medals.

Russia, with its huge team of 401 athletes, simply was no match for the Americans and suffered one of its most disappointing performances since entering Olympic competition in 1952.

The Russians' medals were earned largely in gymnastics, boxing and canoeing, and their women failed to win a single gold medal in track and field and their track men fell below the medal collection of little Kenya, which won nine.

The final competition ended shortly before the closing ceremonies and in it Canada won its only gold medal of the Games as Jim Elder led the Maple Leaf team to victory in the Grand Prix equestrian event.

The Canadians, not included among the favored teams when the competition opened, scored 102.75 points to win from France, 110.50, and West Germany, 117.25. The U.S. lost the bronze medal by a mere 0.25 point.

The Canadian team was made up of Elder, who rode The Immigrant, Jim Day, on Canadian Club, and Tom Gayford, on Big Dee.

HARRIS WINS BOXING TITLE

The 19-year-old Foreman's victory over Russia's Ionas Chepulis for the heavyweight boxing title came shortly before midnight Saturday and gave the U.S. its fifth gold medal of the final full day of competition in the Games.

Earlier, Ronnie Harris of Canton, Ohio, decisioned Jozef Grudzien of Poland to take the lightweight title. The third U.S. finalist in boxing, Al Robinson of Oakland, Calif., was disqualified for butting in the second round and Mexico's Antonio Roldan, bleeding from a cut over one eye, was awarded the featherweight gold medal.

Robinson won an appeal today and was awarded the silver medal which had been withheld because of his disqualification.

THREE SWIMMING VICTORIES

The other three U.S. gold medals were won by the swimming team. Michael Burton of Carmichael, Calif., set an Olympic record of 17:01.7 in winning the men's 1500-meter freestyle from teammate John Kinsella of Oak Brook, Ill., and two U.S. relay teams won in record time.

The men's 400-meter medley team of Hickcox, Don McKenzie, Doug Russell and Ken Walsh turned in a world record 3:54.9 in beating the former record-holding East German team.

The women's 400-meter freestyle team won in 4:03.5 for an Olympic record. Swimming for the U.S. were Jane Barkman, Lina Gustavson, Sue Pederson and Jan Henne.

[From the Washington Star, Oct. 8, 1968]

ON TO MEXICO—THE 19TH OLYMPIC GAMES

(By Ben F. Carruthers)

Mexico this season presents a panorama so extensive, so varied and wide ranging that an encompassing view becomes a most worthwhile effort for all who are interested in travel. For this reason, we have decided to glimpse this ever-changing picture in two installments. First we offer the story of the XIX Olympiad, October 12–27, in Mexico City and other important parts of the country, where this year in addition to the well-publicized athletic events, the cultural Olympics will be restored to the prominent position it held during the original games.

Despite the world's troubles immediately preceding the opening ceremony (held on the 476th Anniversary of the landing of Columbus), universal attention was drawn on August 23 to the rekindling of the Olympic flame from the sun's rays at Olympia in ancient Greece, site of the original Olympic games. Thereafter, the flame made a 7,000 mile journey by land and sea via Italy, Spain and the Canary Islands to Mexico. Thousands of swift Mexican runners, after receiving the flame at Vera Cruz, followed the path of Hernán Cortes westward by relays 400 miles or more over the mountains up to the Valley of Mexico, 7,500 feet above sea level, to kindle the torch at the Olympic Stadium in Mexico City. Now aflame there, the torch will burn until the closing ceremony of the athletic competition October 27.

Drawing upon the riches of her 10,000-year-old civilization, Mexico provided a uniquely dramatic note to the pre-inaugural. Before moving on to the Olympic Stadium at the National University of Mexico, a magnificent ceremony was arranged at the ancient city of Teotihuacán, where the majestic Pyramids of the Sun and Moon, predating Aztec times, preside over impressive archeological excavations rivaling anything in Greece.

Teotihuacán was illuminated for the Aztec Ceremony of the New Fire in accordance with the Aztec calendar, dividing time into 52-year cycles. A brilliant mass pageant was arranged recapturing the grandeur of Mexico before the advent of the Spanish conquerors.

Amalia Hernández, director of the world-famous Ballet Folklórico de Mexico, organized this spectacle in the Plaze de la Luna facing the Pyramid of the Moon. A thousand dancers, flanked by impersonators of the principal gods of Aztec mythology, performed from sundown until the arrival of the Olympic flame from the east. Quetzalcoatl, god of the dawn (whose symbol is the feathered serpent), Tlaloc, god of rain, and Huehueteotl, god of old age, richly garbed and accompanied by imposing retinues, presided over the ceremonies from the summits of the Pyramids of the Sun and Moon.

Mexicans view the Olympics as a symbol of international, interracial and intercultural cooperation among all men. In this spirit they willingly agreed to exclude racist South Africa despite her promises to integrate her Olympic team racially and abide by the non-discriminatory policies of the Olympics and of the host country. Moreover, Mexico withheld visas from Rhodesians on the same ground. As a nation which has largely overcome race prejudice, Mexico hopes that her Olympic guests, athletes and spectators will obey the "house rules." The entire organizing and planning of the 1968 Olympics has been in the capable hands of the Organizing Committee of the Games of the XIX Olympics, whose president is the noted Mexican architect, Pedro Ramirez Vazquez.

The Olympics will draw some 8,000 participants from 119 countries, 25 nations more than ever before attended the games. The competitors, their trainers, officials and press representatives will be housed in a brand-new, high-rise Olympic Village on the outskirts of the metropolis. The canny Mexicans built this Village so that it may be converted into apartments immediately after the Olympics and there are no doubt several thousand would-be permanent occupants on the waiting list already.

Understandably proud of having been appointed as host to the Olympics, Mexico has gone all-out in new construction, placing the universally-recognized talents of her leading architects, muralists and sculptors at the service of the great occasion. Everyone who has visited Mexico knows that there are few countries in the world which have made greater contributions to the plastic arts over the past quarter-century.

Building a World's Fair could hardly have been more ambitious than the work which went forward in Mexico for the Olympics. But apparently, even this was not enough. Mexico City, now second city of the Hemisphere, with more than six million inhabitants, is also constructing a huge new subway system and will open the first line next July—a ten-mile stretch from the International Airport to the Avenida Chapultepec "midtown." The authorities entrusted this construction to the engineering geniuses who constructed Montreal's magnificent new subway, a model for the world, where the trains run on rubber tires! In Mexico, however, there are many more problems since the entire city sits on a lake bed of mud and porous rock. Gigantic metal tubes, reinforced all around, will contain the tracks and stations and even permit trains to reach speeds of fifty miles per hour.

But the soft lake bed is not the only construction difficulty. Modern Mexico City sits above half-a-dozen previous metropolises including the great Aztec capital of Tenochtitlán which Hernán Cortes conquered early in the Sixteenth Century for the King of Spain. Subway excavation is proceeding with great regard for possible archeological discoveries and an electronic gadget has been used ahead of drills and earth-movers to detect metal and stone artifacts and other remnants of previous civilizations. The result has been warehouses filled with choice examples of these great Indian civilizations, some of which will become prize exhibits in the country's archeological museum, already the world's greatest.

The new Olympic installations—ranging from Mexico City to Acapulco where sailing competition will take place—are modern and commodious, fully equipped with the latest in telecommunications and electronics. The Olympic Stadium, where track and field events will be held, now seats 80,000 and is equipped with an ultra-modern lighting system for night events.

Soccer, the most popular sport of Europe and Latin America, and now fast growing in the United States, will be played at gigantic Aztec Stadium which seats 106,175! This magnificent creation is some three miles from Olympic Village and one of its most remarkable features is a drainage system so efficient that the field may be used one minute after a heavy downpour!

Although numerous track and field records are as a rule established at each succeeding Olympics, it is doubtful that many new marks will be set in Mexico City because of the high altitude, which is difficult for many ordinary people but perhaps also somewhat inhibiting to athletes, especially those who come from lowlands. For this reason, some of the leading contenders for Olympic medals have been training for months at comparable altitudes in their home countries. Members of the United States team, for example, have been spending a good deal of training time on the slopes of the Rockies so as to accustom their metabolisms to the Mexican heights.

On the other hand, the altitude should present no problem to such athletes as Abebe Bikila of Ethiopia, record-holder, and gold medal winner for the grueling marathon event in both the 1960 and 1964 Olympics.

This will be the third time the modern Olympic Games have been held in the western hemisphere and the first time they have been held in Latin America.

When she was named host country for 1968, Mexico decided to restore the cultural Olympics to the prominent place they held in ancient Greece alongside the athletic events. Accordingly, 31 countries accepted invitations to participate by sending representatives of their best in the lively and plastic arts. The total number of events listed is 145 ranging from nine classical ballet companies from around the world to three internationally known jazz combos. Most of these events are taking place in the Palacio de Bellas Artes, a building repleat with Mexican marble and onyx, which opened its doors in 1934 as one of the world's most ornate opera houses.

The auditorium of Bellas Artes is in such demand for use that performances are frequently given several times each day. On Sundays, for example, Mexico's own Ballet Folklórico frequently performs at 9 a.m., noon and in the evening. Fortunately, there are two companies. One is usually in residence while the other travels throughout the world. Offshoots of this successful venture, the Ballet of the Five Continents and the Ballet of the Americas also give performances at Bellas Artes.

Aside from Bellas Artes, numerous other auditoriums have been taken over for cultural events related to the Olympics. Aside from the classical ballet and jazz combo events, the season will have included the following: four opera companies including the Berlin Opera; seven symphony orchestras including the famous Hall's Orchestra from Britain, and the Paris Symphony; ten chamber ensembles including Moscow and Brussels aggregations; eight modern ballet companies (Martha Graham, Merc Cunningham, Maurice Béjart, etc.), eleven folkloric dance groups including eminent representations from the Philippines, Spain, Yugoslavia, Rumania and Argentina; thirteen theatrical groups from Japan, France, Greece, Germany, Britain and other countries, as well as Mexico herself.

Plastic arts from the United States, Ecuador, Bolivia, France, Great Britain, Cuba, Central America, Argentina, Japan, Yugoslavia, Italy, Peru and many other countries will also have been displayed during the latter half of 1968.

Aeronaves de Mexico, the Mexican national airline, is the official international carrier for the XIX Olympics. It has up-to-the-minute DC–8 and DC–9 equipment; flies from Los Angeles, Tucson and Phoenix from the western U.S.; from Houston, Detroit, Miami and New York farther east. Within the country it provides service to most of the important cities with frequent efficient service to such important tourist destinations as Acapulco and Guadalajara, besides service to many international points. The line maintains information and booking offices in the United States, in Boston, Detroit, El Paso, Hartford, Houston, Los Angeles, Miami, Newark, Phoenix, San Diego and San Francisco.

Few cities in the world have developed as many new hostelries as has Mexico City over the past 15 years. One of the most popular is the Continental Hilton at the corner of Paseo de la Reforma and Insurgentes Avenue. In Guadalajara there is a sister Hilton. Both have excellent cuisines, shopping facilities and rooftop nightclubs or "Belvederes" affording splendid views of the two cities. We have been guests at both and recommend them highly.

The next article will deal with Mexico's attractions other than the current Olympiad and give special attention to Mexico City and Guadalajara.

[From the New York Times, Oct. 8, 1968]

AT THE OLYMPIC VILLAGE

(By Arthur Daley)

MEXICO CITY, October 7.—The bus was filled with athletes as it made ready to take off from the enclave of the Olympic Village. Through the open windows came the haunting beat of drums and the plaintive wail of musical instruments, unfamiliar but giving rhythmic pleasure to the ear. Feet had to respond and so there was dancing in the aisles.

Gleaming smiles of the Africans aboard the bus shone as brightly as the Mexican sunlight and happy hearts responded with song. This was only a fragment of the many joyous scenes that seem to give a new significance to both the idea of an Olympic Village and to the Olympic movement that sponsored such a scheme for fostering amity among nations, athletic division. The United Nations should do even a fraction as well.

Scores of athletes frolicked in the swimming pool in the center of the recreational area that gives this Olympic Village something of a country club look. Hundreds more were sun bathing, including a few damsels in rather discreet bikinis. Thousands of local citizens streamed through on rubbernecking tours, gawking in wonderment at the kaleidoscopic display that flashed constantly before their eyes. Muscular young men paraded past in varicolored pullovers, the identity of each country lettered on the back.

NO INTERPRETERS

Some needed translation because countries do not necessarily follow an American—or even a Mexican—geography book or spelling. Some were as we were taught in school—Korea, Thailand, Israel, Ethiopia, Afghanistan, Uganda and so many others. But Suisse is Switzerland, Norge is Norway, R.A.U. is Egypt, Suomi is Finland, Turkiye is Turkey, Polska is Poland, CCCP is the Soviet Union and CSSR is Czechoslovakia. The Czechs by the way looked right through the Russians and never saw them.

This international sports festival is monstrous in its expanse and these are particularly light-hearted days, marked by camaraderie and the friendly mixing of the athletes of many nations. The tension will not start mounting for the competitors until Saturday's opening ceremonies approach.

If nothing else, those who criticized the award of these Olympics to Mexico City have been silent. The organizing committee here has done a magnificent job.

"These may be the finest facilities ever," said Douglas Roby, president of the United States Olympic Committee and also a member of the International Olympic Committee.

"I'd been to 13 Olympics," said Dan Ferris, the patriarch of amateur sports, "and I don't think I've seen anything to match the job the Mexicans have done."

When I saw the Olympic Village last November, the housing units were concrete shells, still struggling to rise from desolate piles of earth. Now they are sleek, handsome apartment buildings that will become middle-class condominums, so attractive that every one already has been sold.

Of all the Olympic Villages I have seen over the years, this is the most compact and perhaps the most artfully landscaped. It doesn't have the bus service that facilitated movement within the walls as was the case at Tokyo and Rome. But that's a minor complaint. Security soon will be tightened, now that there are so many more athletes and journalists.

THE WRONG CARD

Yesterday, for instance, I arrived with another typewriter pounder. He flashed his green identity folder at the guardian of the portals. Mine was inside my wallet. The only thing I had showing was a baseball writer's card. He glanced superficially at it.

"Hokay," he said, waving us in.

Tens of thousands of Mexicans wait patiently outside every day, standing in line for the escorted tours. There is pride of achievement in every face. And rightly so. But the traffic jams in the vicinity of the village are appalling. One shudders to think what it will be at the Olympic stadium when the games begin. At the moment, Mexico City is totally serene—except for the highways.

Before the Tokyo Olympics the police made a deal with the gangsters and established a truce for the duration. The Mexican police are less trusting. They've rounded up every known pickpocket they could find and clamped the light-fingered gentry into the jug.

[From the New York Times, Oct. 8, 1968]

U.S. TEAM WELCOMED TO OLYMPIC CITY IN FLAG-RAISING RITES—THREE OTHER NATIONS JOIN IN CEREMONY—DELEGATIONS FROM BURMA, COSTA RICA, HONG KONG LIFT NUMBER IN MEXICO TO 102

(By Joseph M. Sheehan)

MEXICO CITY, October 7.—Three hundred brightly caparisoned United States athletes and officials stood proudly erect this morning in the Plaza de las Banderas at the Olympic Village as the Stars and Stripes was raised.

In a stirring, colorful ceremony signalizing their official presence here for the games of the 19th Olympiad, the delegations of Burma Costa Rica and Hong Kong also hoisted their flags.

Today's four additions brought to 102 the number of national banners flying from the lofty white flagpoles that encircle the verdant plaza atop a rocky plateau that overlooks the eye-catching attractions of Mexico City's superbly equipped Olympic Village.

United States Ambassador to Mexico Fulton Freeman and Douglas F. Roby, the president of the United States Olympic Committee, collaborated in hauling up the United States flag hand-over-hand, as a Mexican army band played "The Star-Spangled Banner."

During the flag-raising, the entire United States squad, with subdued voices that brimmed with prideful emotion, sang the National Anthem. Bystanders, who had witnessed the previous flag-raising ceremonies here, said no other team had sung its anthem.

AMBASSADOR GREETS SQUAD

Then, after accepting the official bienvenidoes (welcomes) of Francisco Javier Miranda, the governor of the Olympic Village, Roby and Ambassador Freeman addressed the American squad.

Said Roby: "We are proud of this team. We feel confident that we have, for these Olympics, the finest team we have ever organized."

Ambassador Freeman told the American team, "individual prowess is important but team spirit is even more important. I urge you to make one for all and all for one your team motto."

The United States contingent assembled in military array just outside the modernistic administration building at the village's main entrance and, four abreast, marched the quarter mile to the Plaza de las Banderas.

Julian K. (Dooley) Roosevelt of Center Island, L.I., the treasurer of the United States Olympic Committee, led the parade, which was organized by Col. Donald Miller, the United States' Army's representative on the committee.

The girl members of the team, strikingly attractive in bright red jackets, white collarless blouses, royal blue skirts and white pumps, led the march. The men, in blue ties, glen plaid lightweight slacks and black loafers, followed.

The bright Mexican sun was no brighter than the happy smiles of the athletes who, for the most part, were on the threshold of the most meaningful experience of their young lives.

There was a few absentees among the athletes but they indicated dedication to do a job here rather than lack of interest in the niceties of Olympic protocol. For example the basketball team, which arrived yesterday, was eager to get to work and had a conflicting workout scheduled. So did the oarsmen, who have been working out regularly mornings at the distant course of Xochimilco.

The United States team will be complete with the arrival of the contingent by chartered jet from Denver tomorrow afternoon.

Meanwhile, in downtown Mexico City, the International Olympics Committee opened a scheduled pregames meeting. Before a large audience in the National Auditorium, which included President Gustavo Diaz Ordaz of Mexico, Avery Brundage of Chicago, the embattled 81-year-old I.O.C. president, made a ringing defense of the Olympic movement.

"The I.O.C. may be undemocratic," Brundage said, "but its members, pledged to the Olympic ideal above their own countries, have conducted the games with greater success each time.

"Many of our problems are the result of our own success," he added, citing that "many of the problems of the world have been dumped on the doorstep of the Olympic movement."

He specifically mentioned China, Germany, Korea and Vietnam, divided countries in which disputes have long raged over Olympic representation.

MEXICO SHOWS HER MUSCLE IN CULTURAL OLYMPICS

(By Jack McDonald)

MEXICO CITY.—You may come for the 19th Olympiad and stay for the cultural events.

After you've descended from one of the 105,000 seats in the Olympic Stadium, there are 20 cultural festivals to lure you—concerts, folklorica ballets, art exhibitions, theater, sculpture, basket-weaving, poetry recitals, parades, dancing in the streets and—hold onto your rockets—nuclear and space exhibits.

Mexico is the first Latin-American country to stage the Olympics. As host, she will conduct cultural events on a broader scale than any since the Games were revived in 1896. So much emphasis is being put on culture and youth, that some sports purists already are complaining that Mexican newspapers are giving culture more space than athletics.

A TRADITION

But the Organizing Committee, headed by Pedro Ramiro Vasquez, an architect who designed the huge Azteca soccer stadium, as well as the magnificent Anthropological Museum here, counters that the very founder of the modern Olympics, Pierre de Coubterin, the Frenchman, always contended the Games were not only for development of muscular strength but also for the education of youth in moral, intellectual and artistic fields.

So Mexico is thinking culture more than sports. Cultural events, with emphasis on youth and folklore, can be seen many places during the Games—in Chapultepec Park, the plazas, the opera house, the National University auditoriums, concert halls, on parade grounds of the Zocalo and even in the streets.

You'll not see such headlines as "U.S. Nabs Gold Medal in Poetry." Nor "Mexico Cops First Place in Ballet and Basket-Weaving." No prizes or medals are awarded in the cultural division.

U.S. EVENTS

The U.S. will participate in all 20 cultural events. American folklore, from New Orleans jazz to Eskimo dancing, will be presented in city parks and concert halls. Everything from Appalachian mountain clog dancing to "soul music" will be staged.

Which of the 20 cultural events will be

the most outstanding? This depends on your line, but it could be the Folklorica ballet. By temperament and tradition, Mexicans excel in this. A recent Olympics preview in Colima, produced and enacted by university students in a city of only about 100,000, saw ballet with a professional touch.

Each competing country of the more than 100 in the Olympics is sending fine art works as well as athletes to Mexico City. International sculptors have fashioned themes based on youth. The cultural aspect has brought a daily rash of artistic creations—hymns, poems, drawings, sculptures—monuments to youth and handicraft.

The festival of the Masses, part of the cultural program, will be staged in the Zocalo Plaza and will include a folklorica parade, costumes and music, a tableau with 1000 children and flags. Senora Rosa Reyna, the choreographer, is with Ballet Folklorica and she collaborated with Josefina la Valle, director of the Mexican dancing company on this pageant.

Mexicans believe their country's prestige as a modern nation is at stake. "If we are successful it will be because everyone connected with these cultural events has treated them with a sense of patriotic mission," says Vasquez.

One event in the cultural program will be the International Reunion of Poets. Robert Lowell, American, one of the 11 most noted modern poets has written one on the theme of international brotherhood and better understanding between nations. He will recite it in the National University Auditorium.

For the Ballet of the Five Continents, choreographer Alven Ailey has created a series of dances to traditional American Negro music.

There will be an Internation Festival of Sculpture in which Todd Williams will join with 17 other internationally famed sculptors, one of whom, Alexander Calder, designed a 70-foot-high steel structure named "Red Sun," which will be on display in Azteca Stadium.

The International Exhibit of Modern Art will display traditional and contemporary crafts of North American Indians—ceramics, sculpture, painting, jewelry and textiles.

Carrying out the youth theme, the Festival of Children's Painting will be held in Chapultepec Park. The Children's Art Gallery of New York is organizing U.S. participation in this event. Children from all over the U.S. competed. The best murals will be chosen and four children will be selected to come here for the showings.

The Martha Graham dance company leads an impressive list of concerts, art exhibits and dance recitals. Other headliners include Duke Ellington's orchestra and the Merce Cunningham dance company.

Rounding out U.S. participation will be an Apollo space capsule and an exhibition by the John F. Kennedy Center for the Performing Arts. Project Plowshare will show how nuclear energy can be used in mining and the construction of harbors and canals. The Exhibit of Space Research will be extensively illustrated by the U.S. Space Administration. Models of the Ranger, Mariner, Surveyor and Tiros will be shown, with American astronauts giving lectures.

[From the New York Times, Oct. 27, 1968]

ALTITUDE HAD LITTLE EFFECT ON OLYMPIC COMPETITION

(By Joseph M. Sheehan)

MEXICO CITY, October 26.—Now that the Games of the XIX Olympiad are about to end, what effect did Mexico City's high altitude (7,350 feet) have on athletes and their performances?

Even the viewers with alarm, who made dire predictions before the Games opened that competing so high above sea level would cause permanent damage to the health of many athletes, left here convinced that was not the case.

As to performances, they generally exceeded expectations, although the also-expected drop below normal levels occurred in the longer races and in events calling for continuing sustained maximum effort.

At Olympic Village today, Dr. Daniel Hanley of Bowdoin College in Brunswick, Me., the head physician of the United States team, paused in the job of packing his tons of equipment for shipment home and discussed the effects of altitude.

"There is not a shred of evidence that the altitude had any harmful after-effects on the athletes from all the nations who had participated here," he said. "Nor was any expected because we had researched this subject most carefully, starting as far back as 1964.

"Performances, we thought, were generally good. Who, for instance, ever would have dreamed that a man would long jump 29 feet 2½ inches here, as Bob Beamon did? And there was a bonus value in Kipchoge Keino's Olympic record of 3:34.9 in the 1,500 meters. That was one mark we thought would be unreachable.

"Our studies led us to conclude that at this altitude continuous maximum effort could not be sustained for a greater period than two minutes.

"Keino surprised us on that point. But the fact that he comes from Kenya and trains and lives the year round in high altitudes unquestionably had much to do with it.

"There's no doubt that athletes accustomed to high altitude had an advantage and that athletes from sea-level countries performed below their best capabilities in the distance events in both track and swimming, and particularly in rowing, which is the hardest test of all, because of no letup.

"The reason for this is that at this altitude they couldn't take in enough oxygen to fuel the glycogen (sugar) that makes their muscles work in sustained effort events.

"But with a high carbohydrate diet, good conditioning and acclimatization such as we had in our four weeks of pre-Olympic high-altitude training, no athlete had any reason to fear competing here. The reasons for so doing, were psychological rather than physical.

"We had perhaps a few more than the usual number of minor ailments. But that was attributable to other reasons than the altitude, I feel, we get that at Bowdoin and, in fact at any college, when the students get back in the fall.

"Viruses from New Jersey, Arizona, Alabama, California and wherever get to intermingling and get to affect systems that have not had a chance to develop immunity to them back home.

"It's the same thing here at the Olympic Village on a vastly larger scale. You can't expect to bring together thousands of people from more than 100 countries and not have a lot of colds, stomach disorders and the like.

"But all things considered, altitude was even less of a problem than anticipated."

[From the New York Post, Oct. 30, 1968]

WORD TO THE WISE

(By Gene Ward)

Hasta Luego . . . Arriverderci . . . Au Revoir . . . So Long, Mexico City, Oct. 29.

The Athletes of the world are saying goodbye to each other and to Mexico in a hundred different languages here today, and the Greatest Olympiad of all time now becomes just a memory.

But it is a memory which Mexico and its people will carry forever. The Olympic Games have left an indelible mark on the emerging nation. What Mexico and its people accomplished gives them a massive shot of confidence for the future.

Records were shattered right and left, and not only in the competitive events. The architectural splendor and imagination of the arenas, stadia and other facilities had to be a record. The city's muy magnifico decorations, especially those the length and breadth of Paseo de La Reforma . . . The vivid, warm colors . . . and the friendliness of the people . . . those, too, had to be Olympic records.

I'm certain that traffic jams shattered all Olympic standards, and I'm equally certain that never in the history of the Olympics has there been an emotional jamboree such as the one Mexican youth put on after Sunday's ceremony which marked the end of the games.

GAYETY SPILLED OVER INTO OLYMPIC VILLAGE

That's what touched it off, the grand finale at Estadio Olimpico. It spilled over into the Olympic Village and wended its way the length of the Reforma. Grizzled journalists, some of them veterans of the V-E Day celebration in London, stood on the sidewalks and gawked at the show which went on all night.

It was youth rioting, but friendly, boisterous rioting. Traffic was snarled all over the downtown area as thousands rode the streets in cars, on the hoods of cars and hanging on the backs of cars.

The motif of the clamorous night was the cheer—"Me-hi-co"—followed by three honks on the horn in the same cadence, as the three syllables of the cheer.

Early in the morning, the reveling horde poured into the Olympic Village, where the athletes were housed, and cheered them with a huge "serenata," with the singing and playing of "Las Mananitas," the nation's birthday serenade.

In the land of fiesta, these Olympics were the biggest fiesta of all time, and what a finish.

In a re-appraisal of the games, the U.S. team emerged as the most successful in a "no contest." The Soviet track and field contingent came up the biggest flop, even being out-medaled by Kenya's gallant 15-man crew.

The Best Male Athlete: Our own Charley Hickcox of Phoenix, Ariz., with three golds and a silver in swimming, plus a share of a world record.

VERA'S 4 MEDALS AND WEDDING RING

The Best Female Athlete: Czech gymnast Vera Caszlavska, who won four golds and a gold wedding band. Her marriage to Josef Odlozil resulted in such a crush of spectators that the bride was forced to take refuge in a television sound truck parked outside the Cathedral in Zocalo Square. The happy couple left for Prague last night with 77 other members of the Czech delegation.

Best Individual Performance: Bob Beamon of El Paso, Tex., with a kangaroo leap of 29-feet, 2½ inches in the long jump, which completely hurdled the 28-foot area.

Most Inspired Athlete: Al Oerter, the game Long Islander, who gets hot every fourth year, when the Olympic flame is lighted. He won his fourth consecutive gold in the discus throw — (Melbourne-Rome-Tokyo-Mexico) and says he'll probably try for five in Munich in '72.

Most Frustrated Athlete: Australia's Ron Clarke, holder of 17 records and rated the world's greatest distance runner. He failed to garner a gold.

Most Vivid Memories: Our incomparable Jesse Owens, quadruple gold medal winner of the 1936 Olympics in Berlin, surrounded by Mexican youth clamoring for his autograph in Estadio Olympico almost at the very moment militants John Carlos and Smith were making their completely-out-of-place Black Power demonstration on the medal podium. And our heavyweight gold medal winner, George Foreman, pulling his own tiny American Flag from the folds of his robe and planting a kiss on his Stars and

Stripes following his TKO victory over Ionas Cepulis, of Russia, at Arena Mexico.

HONORING TIBIO STARTED THE BALL ROLLING

And Mexico's first gold medalist of the Games, 17-year-old Felipe (Tibio) Munoz, surprise winner of the 200-meter breast stroke, being hoisted on the shoulers of Mexican youths who had swarmed from the stands at the emotion-packed closing ceremony.

They carried Tibio around and around the tartan running track and off into the moonlight night, their pride in him and in their country releasing itself in the explosiveness of their wild gyrations.

This, more than any other single act, was what touched off the emotional Jamboree. This, more than anything that happened in this Olympiad, gave me my greatest personal thrill. Those moments will remain etched in my memory for a long, long time.

A HOUSE NOT IN ORDER—III

Mr. PROXMIRE. Mr. President, unless we put our domestic house in order, our position as the leading world power will be seriously diminished. We tolerate racial discrimination against blacks in a world community in which whites are a distinct minority. We live in a land in which we have a surplus of food but have not discovered the way to share the benefits with the poor. A century ago Disraeli warned that England was becoming two nations—one rich and one poor. Today the National Advisory Commission on Civil Disorders warns us, "two societies, one black and one white—separate and unequal."

This is not to say that no progress has been made. We have done much in the enactment of laws that govern education, jobs, housing, and civil rights, especially in the past few years. The world community has looked to us for leadership. But it is because of the high expectations aroused by these achievements that the world community cannot understand our failure to deal with the problems of our own society on the grand scale appropriate to our size and capacity.

Our action on United Nations Conventions to implement the noble principles written into the Universal Declaration of Human Rights has been negligible. Far from setting an example appropriate to a nation that proclaimed its own Bill of Rights nearly two centuries ago, the United States has ratified only two of more than 20 major human rights conventions adopted by the U.N. and its agencies. And, ratification of these two—concerning slavery and refugees—was completed within the last 3 months.

While we must meet our foreign policy priorities, we must recognize that the highest priority of all is that we improve our domestic society. We must never forget the wise observation that applies so emphatically to nations: "What you are speaks so loudly, I cannot hear what you say."

RULE XXII

Mr. MONDALE. Mr. President, once again, we are engaged in our lengthy and semiannual debate over the question of the "filibuster." I must confess that as I make this brief statement, I am aware of the growing sense of frustration which has come to characterize this effort to make the Senate a more responsive legislative body. The attack on the filibuster is developing into a ritual for the beginning of every Congress—a ritual led by the same group of Senators who make the same eminently logical arguments, only to be defeated and forced to await the beginning of still another Congress.

I would hope that we could once and for all put an end to this principle of minority control and get on to the urgent business of the day. For I have the unpleasant feeling that time is not on our side and that we cannot indefinitely afford to be bound by a rule which fosters obstructionism.

This year's attempt to end the filibuster is an attempt to amend rule XXII so as to allow three-fifths of those present and voting to end debate on any measure. But before that issue can even be reached, a more basic question is presented—Can a majority of the Senate amend its rules at the beginning of a new session of Congress? Or put another way, can the proponents of the filibuster use a filibuster to keep rule XXII intact?

The advocates of change argue that a majority of the Senate must possess the right under the Constitution to adopt new rules or to amend existing rules at the beginning of a new Congress. As the distinguished senior Senator from Idaho observed, the Senate has "the same right to determine the rules which shall bind them during the next 2 years as the Senate of the first Congress had when it met in 1789, or, for that matter, the same right that the Senate exercised in 1917, which wrote the two-thirds rule that we now propose to amend."

The proponents of rule XXII, on the other hand, argue that Congress is a continuing body and that any attempt to amend the rules must be based on the rules themselves. Accordingly, if a filibuster is mounted to stop a vote on a rules change, a two-thirds cloture vote is required to bring debate to an end.

Thus, the effort to end the filibuster takes on an "Alice in Wonderland" quality, as a majority's desire to change the rule is thwarted by the rule itself. As a result, the argument over a change in the rules soon becomes an argument over the nature of the Senate; in the process, the American people soon lose sight of what is really at stake, that is, the efficacy of their legislative system.

Obviously, I am in complete agreement with my colleagues, and with two Vice Presidents, that a majority of the Senate at the beginning of a new Congress has the power to change the rules of the Senate. And with all due respect to my colleagues who believe that this position will threaten the stability of the Senate, I think that their argument is based on a "parade of imaginary horribles." When in the history of the Senate has a majority threatened to "run wild" and do grave damage to our basic institutions? Is there any evidence whatsoever that 51 Senators are any more likely to tear up the Senate rules than 67 Senators? I think not.

When we come to the specific issue as to how many Senators should be required to invoke cloture, the proponents of the filibuster conjure up the same specter of a tyrannical majority. We are told that the minority can only be protected when 67 Senators decide to end debate. But what is so sacred about the two-thirds requirement? Are 67 Senators any less tyrannical than 60 or 51?

My colleagues who oppose any change in rule XXII argue that extended debate is the hallmark of the Senate. But I do not think that the cause of full and free debate is served by a filibuster, which as we all know quickly becomes an endurance contest.

We are also told that to allow even 60 Senators to invoke cloture amounts to "gag rule". I would think that this charge would more appropriately be applied to the present state of affairs under rule XXII, where a small minority of the Senate can thwart the will of even 66 Senators. The true victims of "gag rule" are the majority of Senators who want to bring an issue to a vote but are prevented from doing so by a minority. Similarly, those who are forced to "trade off" major provisions of a bill because of the threat of a filibuster are in effect gagged by being prevented from even having their colleagues pass judgment on their proposals.

In this day and time, we simply cannot afford the luxury of such archaic procedures. With the many pressing and complex issues which are facing the country and will soon be facing the Senate, we can no longer accept the spectacle of round-the-clock "debate" by a handful of Senators to prevent an issue from even coming to a vote. The attempt by any minority of Senators to impose its will on a majority by the use of a filibuster is not justifiable.

I accept the principle that three-fifths of the Senate or even a simple majority should be allowed, at some point, to bring an issue to a vote. I am willing to take my chances and I ask the rest of my colleagues to do the same.

TAX-LOSS FARMING

Mr. McGOVERN. Mr. President, the National Farmers Union last Saturday held a seminar on tax loss and corporation farming in Des Moines, Iowa, which was attended by more than 500 farmers, small businessmen, labor and church leaders, Congressmen and Senators from 30 States.

The attendance and the unanimity of this group on the need to exclude nonfarm interests from agriculture if the family farm is to survive, and the migration from farms to cities is to be stemmed, was a considerable surprise not only to the press and public generally, but even to the sponsors of the conference.

The conference adopted a seven-point program of recommendations, headed by enactment of the Metcalf-McGovern bill which would limit the writeoff of taxable nonfarm income against farm losses by wealthy urbanites who get into agriculture to convert high-bracket urban earnings into capital gains taxable at lower levels. These tax-loss farmers are little concerned with low farm prices, for their gain is in avoiding taxes, not in profitable agriculture. I ask unanimous consent to place in the RECORD the state-

ment and recommendations of the conference.

The keynote speech at the seminar was delivered by our able colleague, Senator LEE METCALF, of Montana.

Last year Senator METCALF introduced S. 4059, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are more interested in farming the Internal Revenue Code than they are the land. I was one of the original cosponsors of that legislation in the 90th Congress and when the bill is reintroduced shortly, I intend to resume my efforts to get this legislation before the full Senate.

This legislation has the support of all those who are sincerely interested in the working farmers of our Nation. For example, it has been endorsed in principle by both the Farmers Union and the American Farm Bureau Federation. Last year both the Treasury and Agriculture Departments submitted reports to the Senate Finance Committee, citing the need for legislation of this type. In the House, companion legislation was introduced last session and will be reintroduced again this year.

The problem which exists is that tax accounting rules designed for actual farmers are being abused by urbanites who want to convert high-rate tax income into capital gains. The principal economic activity of these tax farmers ranges from oil exploration or motion picture production to running brokerage houses or practicing medicine. These taxpayers, both individual and corporate, acquire farms and livestock for the purpose of creating paper losses which can be used to offset large amounts of their nonfarm income.

In his speech, Senator METCALF cites Treasury's assessment of the current situation:

> This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

Mr. President, I think it is important for further discussion that other Senators have the benefit of the full text of Senator METCALF's remarks on this subject. Therefore, I ask unanimous consent that his speech of January 11 be printed at this point in the RECORD.

There being no objection, the statement and speech were ordered to be printed in the RECORD, as follows:

NATIONAL SEMINAR ON TAX-LOSS AND CORPORATION FARMING STATEMENT AND RECOMMENDATIONS

Throughout the years, family farm agriculture in the United States has proved to be a remarkably efficient system for the production of abundant supplies of food and fibre and the conservation of the nation's land and water resources.

The family farm provides, in thousands of rural communities, the economic and social basis for community life for farm families and non-farm rural people. It nourishes the vitality of a host of small business enterprises on the Main Streets of these rural villages and towns.

An alarming trend in our time is the massive invasion of agriculture by corporate and non-farm interests. There is evidence that these interests are utilizing a number of devices, including vertical integration of food production by conglomerate corporations; purchases of huge blocks of land for hedging and speculative purposes, and undermining of farm markets by price manipulation, bypassing of competitive markets, and mutually advantageous agreements with chain stores and food handlers. The manipulation of markets and the movement toward monopoly bodes ill for the consumer as well as for the farmer.

These devices are made possible and abetted by the availability of virtually unlimited capital and credit in the hands of these corporate giants; and by the provisions of tax laws which make it possible for corporations or investors who are not primarily engaged as farm operators to take advantage of tax-loss deductions on their farm operations against income produced from non-farm enterprises.

The activity of corporate and non-farm interests in agriculture has resulted in commodity market price manipulation, unrealistically high prices for farm land, and the driving of farm families off the land. These farm families are frequently forced to migrate to urban centers and into situations for which they are ill-prepared which further aggravates the explosive problems of our central cities and urban areas, including flooding of the labor market with unskilled workers.

If large corporations and non-farm interests become predominant in agriculture, the need for many Main Street businesses, schools and churches and municipal facilities will be eliminated. It will destroy jobs and opportunities for merchants, bankers and professional men. The decline of the rural community will also result in an enormous waste of existing schools, churches, hospitals and municipal facilities.

This impact on community life makes the corporation farm invasion a human, as well as an economic problem. It is a problem which demands the concern of all Americans.

ACTION RECOMMENDATIONS

We Recommend:

(1) the enactment of the Metcalf Bill which would limit the write-off of taxable non-farm income against farm losses;

(2) the enactment of federal legislation which would prevent corporations whose primary sources of income are not derived from farming, from engaging in farm production;

(3) the enactment of HR 676, introduced by Congressman Neal Smith, which would place weekly limits on the number of cattle slaughtered by meat packers from their own feedlots;

(4) the enactment of legislation similar to that introduced by Senator Gaylord Nelson which would make credit available to young farmers on a long term, low interest basis.

(5) the enactment of legislation to give farmers bargaining power as a countervailing force to the economic power of corporations;

(6) the strict enforcement of the 160-acre limitation provision in federal reclamation law and the sale of excess irrigated land held by large landowners to family farmers at reasonable prices;

(7) the enactment by state legislatures of anti-corporation farm acts which would prohibit or sharply curtail the activity of corporation in farming.

SPEECH BY SENATOR LEE METCALF BEFORE THE SEMINAR ON CORPORATION FARMING, DES MOINES, IOWA, JANUARY 11, 1969

In the second session of the 90th Congress, I introduced S. 4059, a bill designed to remove the inequities between legitimate farm operators and taxpayers who are in the business of farming mainly because of the tax advantages that serve to put their non-farm income in a lower tax bracket. It was my announced hope then that introduction of the bill before Congress adjourned would provide the impetus for an exchange of views among all interested, such as yourselves, business and farm groups, in preparation for hearings which we hope will be held early in the ninety-first Congress. And when I say "we" I mean just that. By the time Congress adjourned last year a bipartisan group of twenty other Senators had joined as cosponsors. All twenty-one of us are back to pick up the fight where we left off. What is more, a solid group of House members introduced companion legislation last year, and all of them are back to resume their efforts this session.

You know it never ceases to amaze me—the more efficient someone becomes in his non-farm interests, the more money he makes—and the more money he makes, the more money he loses farming. Last April the Joint Committee on Internal Revenue Taxation, at my request, analyzed Internal Revenue statistics on individual income tax returns and prepared a table which provided a further insight into this problem.

The table prepared by the joint committee showed the total net farm loss, the number of individual income tax returns on which a net farm loss was entered, and the average net farm loss per return in each of nine adjusted gross income classes.

The most important and obvious fact one gets from the table is the persistent rise in average net farm loss as adjusted gross income increases. In addition, the table showed that in seven of the nine adjusted gross income classes there has been an increase in the last two years for which statistics were available in the number of returns which claim a net farm loss. For example, in 1964 there were 17,969 loss returns filed in the fifteen to twenty thousand dollar class, but by nineteen hundred and sixty-six the number of loss returns filed in that same class rose to thirty-one thousand six hundred and sixty-seven. Turning to the five hundred thousand to one million dollar class, the figure has risen from one hundred and forty-five loss returns filed in nineteen hundred and sixty-six while at the same time the average loss in that category rose from about thirty-six and a half million dollars to a figure in excess of thirty-nine million. In general, this table proved that farm losses increase as the size of non-farm income increases.

The problem which now exists is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by what I call tax farmers. Tax farmers are people who engage in farming for the purpose of creating losses which can be used to offset substantial amounts of their non-farm income. And as the Treasury Department pointed out in July of last year, the tax losses which these high-bracket taxpayers show are not even true economic losses. Treasury went on to point out that when a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual or a corporation, whatever the case happens to be, to operate a farm at an economic break-even or even a loss and still realize a profit.

I think it is important to stress just how strongly Treasury feels about the present situation. I might add that the Department of Agriculture has expressed publicly similarly strong views in favor of this legislation. But here is some more of what Treasury had to say about the current situation when reporting on the predecessor of S. 4059, the bill which was introduced last September.

And I quote . . . "For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each dollar of deduction means an immediate tax savings of seventy cents to be offset in the future by only twenty-five cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordi-

nary farmer who depends on his farm to produce the income needed to support him and his family.

"This distortion may be evidenced in a variety of ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources."

Treasury then went on to suggest certain modifications in the operation of S. 2613, the predecessor of the bill which I introduced last September. The bill introduced last fall contained Treasury's suggestions as to method of approach. As I am sure you all know, citrus farming and cattle raising are two areas of economic activity where the practice of tax farming is particularly widespread.

Now I would like to talk about the substance of the bill itself. The bill that was introduced last fall is basically the same bill that I shall reintroduce this month. However, the new bill will reflect the constructive suggestions that have been presented during the adjournment period.

The bill permits farm losses to be offset in full against non-farm income up to fifteen thousand dollars for those whose non-farm income does not exceed that amount. This means that persons not only engaged in farming but also employed perhaps on a part-time basis in a neighboring town, will be entirely unaffected by the limitation I have provided in this bill.

For those with non-farm income in excess of $15,000, the amount against which the farm losses may be offset is reduced dollar for dollar for income above $15,000. In other words, those with non-farm income of $30,000 or more cannot generally offset farm losses against their non-farm income.

There is an important exception to this rule, however. The bill in no event prevents the deduction of farm losses to the extent they relate to taxes, interest, casualty losses, losses from drought, and losses from the sale of farm property. An exception is made for these deductions since they are in general deductions which would be allowed to anyone holding property without regard to whether it was being used in farming or because they represent deductions which are clearly beyond the control of the farmer; such as losses from casualties and drought.

Even if farm losses should be denied under the provisions I have explained up to this point, they still will be available as offsets against farm income for the prior three years and the subsequent five years. In this case however, they may not exceed the income from farming in those years.

Still one more feature of the bill remains to be discussed. The limitation on the deduction of farm losses is not to apply to the taxpayer who is willing to follow, with respect to his farming income, accounting rules which apply generally to other taxpayers; that is, using inventories in determining taxable income and treating as capital items—but subject to depreciation in most cases—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

It is important to note that this provision merely provides an opportunity for those who would otherwise distort the farm economy to follow instead regularly established, generally applicable accounting rules. No incentive to shift to an accrual accounting system is provided by this bill for anyone who derives his income largely from farming, or even from non-farm income if it does not exceed $15,000 a year. It is fully recognized that true farmers have good reasons for not always following accrual accounting methods and there is no intent here, directly or implied, to make a change in this respect.

The dollar figure as to the exact amount of non-farm income against which farm income may be offset represents an analysis of available statistics as well as discussion generated by the introduction of S. 2613, the original bill. Substantially all the rest of the provisions of the new bill, however, represent suggestions contained in the reports of the Treasury and Agriculture Departments issued in July of last year.

It is apparent from all of the discussion that has taken place since the original bill was introduced in November of 1967 that this use of farm losses to offset other income is an ever increasing problem in large part because this is creating a new breed of person, the tax farmers, who are more interested in farming the Internal Revenue Code than they are the land, and who are making it increasingly more difficult for true farmers to earn a fair and an adequate rate of return on their effort and investment.

The intent of my bill is to eliminate the provisions of the tax laws which presently grant high-bracket taxpayers substantial tax benefits from the operation—usually indirectly—of limited types of farm operations on a part-time basis. The principle economic activities of these taxpayers is other than farming—often running a brokerage firm, law business, practicing medicine or deriving income largely from the stage or motion picture productions.

While I am on the subject of motion picture productions, just last month I read an article by Jack Lefler in the Des Moines Sunday Register. The article was captioned Cattle Buying—A Tax Shelter for Movie Stars. Here is what Mr. Lefler had to say about this. And I quote—"There's a new bull market on Wall Street but it doesn't have anything to do with stocks and bonds. It's a heightened interest in investing in cattle.

"With brokers earning big commissions from heavy trading volume on the securities exchanges, they are turning to the 'tax shelter' offered by the ownership of cattle.

" 'Wall Street's interest has been growing fast the last two years and now the new young executives are jumping in,' says Richard Bright, executive vice-president of Oppenheimer Industries of Kansas City and head of its New York office.

"Oppenheimer Industries is a cattle management firm which handles 220,000 head of cattle on more than 100 ranches in 17 states.

"These cattle are owned by investors who most likely never see them.

"When an investor buys cattle he becomes a farmer from a tax standpoint and is eligible for advantages. He puts in dollars that depreciate or are deductible and takes out capital gains.

"This means that a person in the 60 per cent bracket would be taxed on income from the sale of cattle at a 25 per cent rate instead of the 60 per cent rate on his other income.

"Oppenheimer buys cattle for its investing customers and places them on ranches, whose operators are paid for feeding and caring for them. Cattle owned by several different investors often are on the same ranch.

"Oppenheimer charges an initial fee of 5 and three quarters to 8 and one half per cent of the purchase price of the cattle. Subsequently, it charges an annual management fee in the same range.

"Bright says an investor can make about a 25 per cent profit on his investment after taxes. But there are risks of declining market prices, disease and bad weather.

"The minimum investment accepted by Oppenheimer is $10,000, which would buy about 100 head of beef cattle. The company's biggest client owns 25,000 head, worth about $2.5 million."

Skipping over some self-serving statements by Mr. Bright—I plan to let him argue his own case when the Finance Committee holds its hearings—the article goes on to inform us that—

"Oppenheimer Industries was founded in Kansas City in 1953 by Harold L. Oppenheimer. It now has offices in New York, Washington, D.C., Los Angeles and Denver."

I might add at this point that I must be doing something right—my office has already been visited by the head of the Washington, D.C. office who picked up reprints of everything I've said about the bill since its introduction last September. But I will say that General Styles (that's the name of the man who heads the Washington office) did turn around and send us autographed copies of no less than three books totaling about 1100 pages and written by the head man himself on this subject. As a point of information, those books are entitled—Cowboy Arithmetic, Cowboy Economics and Cowboy Litigation. And I understand that a new book is now in the mill entitled Cowboy Politics. Now that's one I definitely want to read.

Now back to Mr. Lefler's article. "Oppenheimer's father-in-law, Jules Stein, chairman of Music Corporation of America, interested motion picture stars in investing in cattle. Among them, says Bright, were Jack Benny and John Wayne."

(So you can see even Jack Benny is fiddling around in this area.)

"After the New York office was opened we began to attract brokers, corporate executives and television people such as Arlene Francis and Hugh Downs," says Bright.

"Each owner has his personal brand on his cattle. Some of these amateur cattle owners have bizarre ideas about their brand designs," Bright says.

"He recalls an art designer who formed the Broken Dollar Cattle Company and came up with a brand in the form of a dollar sign split down in the middle.

"Then there was the business executive whose brand was a Lazy B. He said he decided on that because his wife's name was Bea and she was lazy."

Last year, Time magazine appropriately dubbed General Oppenheimer, the Bonaparte of Beef. I shared that article with my colleagues by referring to it in a statement on the Senate floor. According to Time, other Oppenheimer clients in addition to those previously listed include Banker Robert Lehman and actress Joan Fontaine. Oppenheimer is quoted by Time as having said—Any day of the week, I'd rather have a Marine officer handling a roundup than a farmer.

Death and tax are inevitable, but the latter apparently are much less so than the former. That's the lead into another very recent revealing article on this subject. This one was written by John Lawrence of the Los Angeles Times. Once again, Oppenheimer Industries gets star billing. I'm not going to comment on this article. I think it's so important to our discussion today that I want to share with you the uncut version.

MANY WITH BEEF OVER TAXES NOW BUY CATTLE FOR RELIEF

Death and taxes are inevitable, but the latter apparently are much less so than the former.

Blocked by the Internal Revenue Service from using one popular tax shelter, wealthy individuals are rushing to get under another—by buying cattle. Trouble is, so many are trying to get under the newly popular shelter so fast that some aren't going to make it this year. There aren't enough cattle.

Investments in cattle have been growing rapidly in recent years. And so have companies that line up the cattle and manage the investments for upper-income bracket taxpayers.

The appeal is an immediate tax reduction covering the cost of handling and feeding the herd, usually paid a year in advance. In the case of breeder cattle, as opposed to those purchased simply to feed and fatten, there's also a depreciation allowance. In other words, part of the cost of the herd itself can be written off.

INTEREST DEDUCTION

What has made the program so much more attractive currently was the move by the IRS a few weeks back to practically eliminate prepaid interest on loans as a legitimate tax deduction. Previously, those seeking to limit their tax liability could purchase real estate, take out a huge mortgage and prepay a number of years' worth of the interest on the loan. They then could deduct that interest payment from current taxable income.

The IRS ruling restricting such deductions caught a number of individuals by surprise and left them to scramble for some other way out. Some of them have found it with Oppenheimer Industries, Inc., a cattle management concern.

J. P. Jones, 34-year-old vice president and western manager for the company, says he expected his business to rise 30 to 40 per cent this year from last. But thanks to the IRS, "we'll be up 80 per cent." He figures he has a waiting list of clients with well over one million dollars they'd like to invest before year end, "and that's probably conservative."

The problem is lining up the cattle. "We're contacting all sources we can, trying to find acceptable ranchers," he says. One problem is "we're the bad guys in the city," making it tough to convince some of the folks on the range they should sell. The advantage to them is that they still make money for handling the herd, but they are able to get some of their capital out of the animals and use it for something else. In short, it shifts some of the risk to the city folk.

Meanwhile, in his Beverly Hills office, Jones reports the average request he's getting is for 400 to 500 head, or an outlay of about $50,000. Oppenheimer's minimum investment program calls for about $12,000 in outlay and this program winds up giving the investor a tax deduction on the order of $14,600.

How can he deduct more than he spends? Simple. He puts down only 10 per cent of the $20,500 cost of 100 head, gets to deduct a year's interest on the loan that covers the rest of the purchase price. That's $1,300. Then he prepays the cost of next year's feed, breeding fees and other maintenance costs, adding up to $8,600. Then, assuming the taxpayer is filing a joint return with his wife, he can take a depreciation deduction on the order of $4,700.

Oppenheimer manages some 150,000 head of breeder and 75,000 head of feeder cattle on 110 ranches in some 25 to 30 feed lots around this country, Jones says. To keep track of it all, Oppenheimer employs about two score agriculture school graduates.

Jones, whose background is finance rather than farming, despairs of lining up enough cattle for his clients with so few days to go this year. Hence, he's advising some to give up for this year but come back earlier next. Cattle can be a good investment, not just a tax saving, and both can be improved with proper planning, he observes.

Just last year I saw an ad in a magazine called the Airline Pilot that read in part—"Own a citrus grove using tax dollars as your total investment." The ad was headed "Tax Shelters for 1968." I promise you that I'm going to do all I can in the 91st Congress to prevent that ad from being run again next year.

Another example, last year's Barron's did a two part series on the tax farming situation. Here are just some excerpts from what they had to say: "Last year, 34 per cent of all U.S. farm acquisitions were made by non-farmers. The United States Department of Agriculture estimates that within 10 years, another 100,000 doctors, lawyers and businessmen will become absentee owners of agricultural properties. Who they are and what they buy makes quite a story . . . Corporation farming currently accounts for about 5 per cent, or 2 billion, of the 40 billion dollars worth of food and livestock raised on U.S. land. . . Many bona fide farmers are beginning to chafe at the competition generated by outside businessmen. Large-scale tax avoidance by non-farm investors—the IRS figures that 680,000 non-farmers (industrial firms as well as individuals) took over a billion dollars in tax losses in a recent year—also troubles the Federal government."

Here are some of the newsworthy names listed in the Barron's article.

Kern County Land (recently taken over by Tenneco, Inc.); CBK Industries; Black Watch Farms (acquired by Berman Leasing); New Mexico and Arizona Land Company (50 per cent—owned by the St. Louis-San Francisco Railway); Alico Land Development Co.; Gates Rubber Co.; Tejon Ranch; Scott-Mattson Farms (owned by Gulf and Western); Oppenheimer Industries, a subsidiary of Atlas Acceptance Corporation; the privately held Doane Agricultural Service, Inc., and King Ranch; Arizona-Colorado Land and Cattle Co. and American Agronomics—the last named pair by the way have now gone public.

So much for the list that appeared in Barron's. Now I want to share with you just a couple of the interesting phone calls that have come into my office since this all started. First, there was a call from the Washington office of Radio Corporation of America. The call went something like this—There is a man in New York who would like very much to have anything you have available about the bill. Could you send it to our Washington office and then we in turn will forward it to him? When the suggestion was made that we could save everyone some time by sending it to him directly, the embarrassed response was: Oh that's allright, he would rather handle it this way. I'm still wondering who the mystery man is.

Then there was the call that came in from Oppenheimer Fund (no relation to Oppenheimer Industries). Seems that as a mutual fund they were shareholders in one of the corporations listed in the Barron's article. According to the call that came from New York, they wanted an explanation of the bill over the telephone. When it was suggested that a package could be mailed out promptly, the caller cried out in despair. No, no, you don't understand how it works with the stock market. Since your new bill went in, the stock we are holding has dropped 10 points and we don't know whether to hold or sell, so could we please go over the bill on the telephone in advance of anything you can send us.

In closing, I want to share with you just one of the many letters I have received since this bill was introduced. This letter came in from a farmer in Hallsville, Texas. In addition to being a farmer he also happens to be an Internal Revenue Agent so you might say he has a little extra insight into this problem. For obvious reasons, I shall omit his name from my reading of his letter. Here is what he wrote:

"DEAR SENATOR METCALF: I wish to commend you on your proposed (S. 4059) legislation on farm losses. I am a farmer and an Internal Revenue Agent. I am keenly aware of the tax shams wealthy businessmen call farms. This abuse is very rank in this area. Longview, Texas is a real industrial area for North East Texas. Thousands of average income families desiring to live out of town buy farms where they have 3 or 4 horses for riding, two or three cows for milk and deep-freeze calves and deduct the related expenses. There is no income.

"On the other end of the pole, the rich merchants, oil men, doctors and lawyers have farms where they lose from 5,000 to 200,000 dollars each year. These people intend to operate at a loss. They improve the land and depreciable property including fences and barns. They dig ponds and clear land and plant expensive grasses. They take ordinary losses (except land clearing when we catch them) against their large incomes and then sell the improved land at capital gains rates. The Southwest Regional Appellate Division of the IRS at Dallas allows the operating losses if they say they intended to make a profit.

"As a farmer, I say they are not fairly competing with me and the other farmers. We strain to produce a $100 calf which costs us $60 or $75 while they produce a $100 calf which cost them $200. This practice sure puts the pressure on a person trying to make money from farming.

"I'm backing your bill 100% and trying to let my neighbors see benefits through November 1968 Farm Journal article 'Crackdown on Income Tax Farming' by Jerry Carlson. Keep up the good work.

Sincerely,

——— ———."

Everything I have read has proven to me that corporations are moving into farming at an increasing rate. I regret this trend. A strong agricultural citizenry—independent farmers—are infinitely preferable to corporation farming with hired labor. Family type agriculture results in a better community, with more churches, better schools, more business opportunities and a generally higher social organization than will be found in a hired labor community. But the bill I have introduced does not forbid corporations getting into farming. Lawyers tell me that is a job for the States. The bill will, however, eliminate the possibility of corporations getting Federal tax rewards for engaging in loss operations in the farming field. I hope I can count on each of you for your support.

THE GOVERNOR OF ALASKA

Mr. STEVENS. Mr. President, there has been a steady and substantial flow of telegrams and letters to my office from Alaskans regarding the Governor of Alaska. I ask unanimous consent to have five of these telegrams printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ANCHORAGE, ALASKA,
January 14, 1969.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

I have sent following telegram to Senator Jackson:

"DEAR SCOOP: Hickel has a good conservation record in Alaska and I am sure he will be eminently satisfactory for all conservationists as well as others if you confirm him as Secretary of Interior.

"Anchorage Times has followed his executive abilities closely and we have rarely, if ever, had occasion to be critical of his actions or views toward water, air pollution, fish, game, timber, oil, and other resources. He has initiated such vigorous programs in behalf of Alaska natives land claims that a statewide committee on nonnatives is being organized this week for the purpose of endeavoring to avoid possibility of nonnative 'backlash.' I hope you will vote for Hickel. Best regards."

Best regards,

BOB ATWOOD,
Anchorage Times.

FAIRBANKS, ALASKA,
January 13, 1969.

Senator TED STEVENS,
Senate Office Building,
Washington, D.C.:

The Fairbanks Native Association unequivocally endorses Governor Walter J. Hickel for the post of Secretary of Interior in the Cabinet of President Richard Nixon. We feel this would be in the best interest of Alaska and the Nation. Governor Hickel is an Alaskan. As Alaskans we feel that he has made great strides toward understanding and attempting to solve problems facing the people of Alaska, particularly in the fields of education and native land rights. We feel that as Secretary of Interior Governor Hickel will continue to work toward solving these problems.

GERALD IVEY,
President, Fairbanks Native Associations.

JUNEAU, ALASKA,
January 14, 1969.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

Am sending today the following wire to Senator Jackson, Chairman, Interior Committee, quote: As an Alaskan born lifelong Democrat and former Alaska legislator, I wish most emphatically to endorse Walter Hickel as Secretary of Interior. A review of Governor Hickel's highly successful business background viewed in the light of the tremendous strides in virtually every field that Alaska has made in only two short years under his administration indicates that the United States can also benefit under his dynamic and informed leadership. One of Governor Hickel's outstanding virtues is his most obvious ability to create a highly qualified cohesive working team and in this area in particular he should be most welcome in the Nation's administrative branch. Any unbiased consideration of Governor Hickel's activities the past two years will show nothing to support the unjust criticisms that extremists have made in recent weeks. I join with those who know Walter Hickel's qualifications best in urging his confirmation as Interior Secretary unquote.

CURTIS G. SHATTUCK.

FALLBROOK, CALIF.,
January 14, 1969.

THEODORE F. STEVENS,
Senate Office Building,
Washington, D.C.:

The appointment of Walter J. Hickel (Gov. of Alaska) as Secretary of Department of Interior certainly warrants the approval by Committee on Interior and Insular Affairs and its recommendation for confirmation by the United States Senate. Having worked with him on projects of territorial, State and national scope, I have been impressed with his knowledgeable approach to all problems. I was appointed to the Alaska Purchase Centennial Commission by former Alaska Governor William A. Egan and served to the completion of the project, for the last two years under Governor Walter J. Hickel. He has done an outstanding job as our Governor and can be depended upon to do as well in the new appointment.

ARTHUR F. WALDRON,
Member, Trustees of Alaska Methodist University.

VALDEZ, ALASKA,
January 12, 1969.

Senator TED STEVENS,
U.S. Senate, Interior Committee,
Jefferson Hotel, Washington, D.C.:

Following is a copy of the telegram sent to the Committee on Interior and Insular Affairs, United States Senate, "Governor Hickel has done a tremendous job for the State of Alaska in the development of natural resources, in the prevention and control of pollution, and in conservation of wildlife. Consequently, I can assure you the man will do an outstanding job in these areas for all of our fifty States in the capacity of Secretary of Interior."

JOHN T. KELSEY,
President, Alaska State Chamber of Commerce.

URBAN COALITION WORKS IN MINNEAPOLIS

Mr. MONDALE. Mr. President, one of the distinct pleasures of representing the State of Minnesota is the way in which our people dedicate themselves to solving their problems.

A case in point is the work of the Urban Coalition in Minneapolis. As an article in the January 6 issue of the Minneapolis Tribune illustrates, this group has become a powerful force for change in the city, identifying critical problems, seeking solutions, and then working to put them into effect.

In 1 year of effort, this coalition has reached the stage where the Tribune reporter, Howard Erickson, could truthfully say about their influence on a specific matter:

To those familiar with the power the coalition packs, that is no real surprise.

Minneapolitans believe their problems can be solved, and they work hard to solve them. The result in this case is cooperative effort between various levels of government and the private sector that is going to change Minneapolis and the State of Minnesota and ought to become a model for the Nation.

Mr. President, I ask unanimous consent that the article from the Minneapolis Tribune, "Urban-Coalition Weight Gives Poor New Leverage—Group Cited Among Best in United States," be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN-COALITION WEIGHT GIVES POOR NEW LEVERAGE—GROUP CITED AMONG BEST IN UNITED STATES

(By Howard Erickson)

When Mayor Arthur Naftalin vetoed the City Council's limited expansion of a public housing program last week, his decision was influenced heavily by the Urban Coalition of Minneapolis.

To those familiar with the power the Coalition packs, that is no real surprise.

The Coalition had met Thursday night, only hours before Naftalin announced his veto Friday and urged that the City Council expand scattered site, low income housing into all parts of the city, not just four new neighborhoods.

"When I walked into the Coalition meeting Thursday night, I figured I'd probably sign the thing, with a suggestion that it be expanded city-wide very soon," Naftalin told a reporter Saturday.

"But when the Coalition voted to endorse city-wide expansion right now, there was only one dissenting vote," the mayor said.

No one can say, of course, that Naftalin might not have decided for some other reason to issue that veto.

Nor can anyone prove that any of a number of other key decisions made during the past 12 months might not have been made as they were, without the existence of an organized Urban Coalition.

But the Minneapolis Coalition, that year-old grouping of 70-some business, religious, labor, education, civil-rights and local-government agencies—bolstered with the continued interest and support of men like Donald Dayton, John S. Pillsbury Jr., Gen. Edwin Rawlings, John Cowles Jr., Judson Bemis, Atherton Bean, F. Van Konynenburg, Earl Ewald and others—in effect, the local Establishment, carries a weight that cannot be dismissed lightly.

As a result, there is at least a casual link between Coalition members—deeply involved community leaders who often wear several hats—and these steps at removing the deeply rooted potential causes of racial disorder:

The two-month campaign to persuade five Republican aldermen to switch their votes and confirm Ronald A. Edwards, a controversial young black man with a police record, as a member of the city's new Commission on Human Relations a year ago.

The recent new roster of YMCA programs, and last month's switch in emphasis by the United Fund in the programs and agencies it supports, both geared to greater attention to inner-city problems.

The naming of Negro leader Harry Davis to the city's Civil Service Commission, which sets hiring policies for city jobs—including the all-white, 562-man Fire Department and the nearly all-white Police Department.

Moving up from 1969 to last summer the landscaping and equipping of 10 children's playgrounds in poverty neighborhoods.

Local support for the California grape boycott, reaffirmed last week, though no local grocery chains have stopped stocking grapes.

Hiring of 14 additional building inspectors by the city, to check complaints of substandard or unsafe rental housing.

A new city ordinance to prevent tenants from being evicted for reporting their landlords' building-code violations to the city.

Lobbying by Coalition members with local Congressmen to fight attempts to cut federal anti-poverty, Model Cities and food-stamp appropriations.

Stephen F. Keating, president of Honeywell, Inc., was the Coalition's president last year. Dean McNeal, group vice-president of the Pillsbury Co. succeeds Keating for 1969. Both agree the major accomplishment for the Coalition's first year was getting organized on a broad base with good representation from important segments, and gaining early and continued support from key community decision-makers.

What may have been just as important was the selection of Harry Davis, a Negro spokesman respected equally by both races, as a vice-president—and last July as full-time executive director of the Coalition staff.

National Urban Coalition officials now consider the Minneapolis group one of the best-organized of 40 or so coalitions in major American cities, along with those in Detroit, Mich., and New York, N.Y.

Mayor Naftalin, one of 40 members of the National Coalition's steering committee, goes further.

"There's no doubt in my mind, from what people in other cities tell me, that Minneapolis has the best-functioning coalition in the country.

"When I tell them that we have a full-time staff of 12 persons, they're just amazed," said Naftalin. He has spoken about the Coalition to groups in Cleveland, Ohio, Chicago, Ill., and Kansas City, Mo., in hopes of spurring formation of coalitions in those cities. Davis has made similar speeches in Milwaukee, Wis., and St. Louis, Mo.

For all of Minneapolis' apparent success, however, it is not hard to find an opposite man-on-the-street view. That view says the city's Establishment has done little to solve the real roots of poverty and discrimination. It says the Coalition's efforts are a short-term, "cool-it" gesture, whose major success was in the city's freedom last summer from the racial disturbances that marked 1966 and 1967.

Not so, replies Keating, the powerful, hand-

some, 50-year-old executive who directs a 75,000-employe, world-wide organization.

"If we just wanted to put out fires, we would have closed down in September," Keating said quietly with just a trace of irritation.

He has never said, he adds, that the problems the Coalition faces are anything other than complex ones that demand long years of attention to solve them.

"It's true, we could have done more last year. We operated for a long time with almost exclusively volunteer help and a very small staff. We weren't as efficient as we should have been."

McNeal adds some criticisms of his own.

"In finding jobs for the hard-core unemployed, we feel we were successful, but the summer jobs for youth—we weren't quite ready for it.

"We hadn't really recognized the importance of transporting these kids to the job. And the follow-up—if a kid misses two or three days on the job, sending somebody out to ask why—that wasn't as good as it should have been," the Pillsbury executive said.

How does the Coalition work?

"We decided, right at the start, that we would not become just another agency, piled on top of all the other agencies," said McNeal.

"We merely planned to encourage, aid, cooperate with—and prod, too, if you want—existing agencies, to urge them to do more," said McNeal, who as vice-president the first year did vast amounts of legwork in setting up the task forces and meetings where much of what the Coalition accomplished was planned.

For 1969 McNeal foresees these extensions of the Coalition's program:

"Jobs were the first thing the inner-city representatives wanted to talk about in 1968, and they will continue to be important in 1969," he said. So, while the Coalition-aided National Alliance of Businessmen placed 1,121 hardcore unemployed persons in permanent jobs last summer, and placed 748 youths in summer jobs (despite 1,785 openings lined up), this year the goals will be higher.

The Housing Task Force, which in 1968 used $30,000 in donations from Minneapolis-based charitable foundations as down-payments for 81 poverty-level families to buy houses, will solicit new money to continue it in 1969.

The 75 minority-race young people who were enrolled in Minnesota colleges through Coalition efforts in 1968 will grow in number this year, McNeal expects. The Education Task Force is also informally running the current effort to raise $100,000 in public donations to expand the Minneapolis Head Start program for 4-year-olds.

The Business Development Task Force will expand the effort that rounded up $225,000 in contributions from 17 local foundations last year and approved "seed money" loans to eight Negro small businessmen who now await approval of additional loans from the U.S. Small Business Administration.

Sensitivity training sessions for employes of major corporations, and measures to attack the latent white racism uncovered by last May's survey of Hennepin County church-goers in 238 congregations, will be continued in 1969 by the Community Information Task Force.

Discriminatory practices of . . . will be attacked, and young lawyers will be recruited to aid poor people, by a new Legal Aid Task Force, which prominent lawyer Peter Dorsey will head. Basis for his work is an October study by volunteer lawyers James T. Halverson and John J. Held Jr., which recommended changes.

Another possible new task force, to deal with the worsening problem of police relations with minority races, is being studied by a committee headed by Rabbi Max Shapiro. His group will also look into ways in which the city and county attorneys' offices can be of greater assistance to poverty classes.

"At least, during 1968, we got a meaningful, continuing dialogue going," McNeal said. "Sometimes, at the start of the year, we'd sit and talk with poverty or minority-race groups for two or three hours—and get nowhere.

"That doesn't happen any more. Now we're moving."

DONALD WILLIAMS RETIRES

Mr. McGOVERN. Mr. President, a noted South Dakotan, Donald A. Williams, retired as Administrator of the Soil Conservation Service on January 10, 1969.

When Mr. Williams' retirement was first announced last year, I commented on it and paid tribute to him in the Senate.

Some of the Administrator's colleagues have now documented the great record the Soil Conservation Service has made in 15 years under his leadership in a little memorandum, "Highlights of Conservation Progress, 1953–69." It is a more eloquent tribute to Don Williams than anything that might be said about him—the facts of a solid record of accomplishments.

I ask unanimous consent, Mr. President, that it appear in the CONGRESSIONAL RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF CONSERVATION PROGRESS, 1953–69 [1]

At the end of fiscal year 1952 the program activities of the Soil Conservation Service consisted primarily of technical assistance for erosion control and water management on farms and ranches in 2443 soil conservation districts and flood prevention operations in eleven large watersheds authorized by the Flood Control Act of 1944.

From fiscal year 1953 through 1968 SCS has assisted with the following major activities and accomplishments:

1. SCS assistance is being provided to 3007 soil conservation districts, an increase of 569. Today, 99 percent of all farms and ranches and 96 percent of all lands in farms and ranches in the United States are in soil conservation districts.

2. Soil surveys have been made during this period on more than 410 million acres, bringing the total acreage surveyed and mapped by our soil scientists to 731 million acres. These surveys have been interpreted for agricultural and non-agricultural uses.

3. More than two million owners and operators of agricultural land are cooperating with soil conservation districts. This number has doubled in the 15-year period. Conservation plans cover 553 million acres, an increase of 288 million acres.

4. Plant materials centers have tested, proven and made available to commercial outlets a wide variety of plants for conservation uses in major plant growth regions of the country.

5. Water supply forecasting, based on snow surveys in the mountainous western states, has been extended in coverage and made more precise. The work of measuring snow and soil moisture is being shifted to electronic measurement and estimates.

6. SCS provided approximately 185,000 conservation consultive services to non-agriculturel users of land to reduce sedimentation and to adapt land use to soil suitability in fiscal 1968. This represents a substantial increase over the preceding year, and continues a rising trend in such services.

7. State and county governments have increased their financial participation in soil and water conservation efforts many fold as a protection to their tax base.

8. Land treatment and upstream water control structures are underway or completed on 285 subwatersheds of the original eleven flood prevention projects. The authority to deal with agricultural water management, fish and wildlife, recreation, and municipal and industrial water supply has been added to original projects.

9. The pilot watershed activity, authorized by Congress in 1953, proved conclusively the effectiveness of a combination of land treatment and engineering works to reduce damaging floods on agricultural lands in the Nation's small watersheds. Fifty-four projects have been carried through to completion, with SCS providing technical help and cost-sharing to local interests.

10. More than 800 small watershed projects under Public Law 566, passed in 1954, have been completed or approved for construction; another 600 are being planned, and 1,300 other project applications have been received. Like other SCS flood prevention activities, these projects invariably exert a strong influence on economic life of the watershed area, an influence reflected in the formation of new businesses, the expansion of community services, in new employment opportunities, and in the general enhancement of community well-being.

11. Development of income-producing recreation as an appropriate use of land—an activity in which the SCS primary responsibility in the U.S. Department of Agriculture—has enabled many landowners to solve land and water problems and at the same time upgrade their own economic state. This activity has been especially significant in the watershed and rural community development activities of SCS.

12. SCS is participating in 59 comprehensive river basin surveys, in cooperation with other Federal, State, and local agencies. The purpose of these studies is to identify water and related land use problems within water resource regions, and to provide alternative approaches to solutions of these problems.

13. SCS has been responsible for providing USDA leadership on the interdepartmental Water Resources Council of Representatives. In this capacity it coordinates the interests of all USDA agencies with those of other Departments and reflects their participation in the development of national water policy.

14. Resource Conservation and Development projects, authorized by the Food and Agriculture Act of 1962, currently number 51 and 39 States. These cooperative multi-county projects are bringing about effective use and management of regional land and water resources and of local talents and skills. These projects, in addition to intensified conservation, are resulting in new job opportunities, provision of needed community facilities and a sound base for future progress. These projects, with those in the watershed programs of SCS, are helping to slow down and even to reverse the long-prevailing migration of rural populations to the urban centers.

15. Nearly 32,000 Great Plains Conservation Program contracts covering 57 million acres have been signed by cooperators in the Great Plains states since 1956 to effectively attack wind erosion and other conservation problems in a region of severe climatic conditions.

16. SCS has supplied the basic technical foundation essential to financial assistance to farmers and other rural people in Agricultural Conservation Program cost-sharing and Farmers Home Administration soil and water loans.

17. SCS is training more than 300 foreign

[1] 15-year-period that Donald A. Williams was Soil Conservation Service Administrator.

technicians, representing 52 countries, each year in our own techniques of effective soil and water conservation. Others receive training in their own countries from technician teams assisting with conservation programs provided through international conservation assistance programs.

18. The National Inventory of Conservation Needs, completed in 1962, is being updated in 1969. This inventory provides the best available insight into modern land conditions, watershed potentials, and land use trends.

THE HIJACKING OF AIRPLANES

Mr. PEARSON. Mr. President, the continuing incidents of hijacking have been a major concern to me in the past year. These repeated and numerous hijackings are a matter of great potential tragedy. Last year, there were 18 such incidents involving American planes and numerous others involving countries in our hemisphere. In the first few days of this year, there have been three hijackings and more attempted hijackings. I feel this apparent acceleration of hijackings requires the Federal Government to take an active role in finding a solution to this problem.

Thus far, the loss can be characterized as economic to the airlines and in terms of inconvenience to the passengers, and to date no one has been harmed. Because there has been no loss of life and because the treatment of the passengers has been reasonable, these hijackings have even caused humorous comments throughout the Nation. In fact, a near carnival atmosphere has pervaded these incidents. I wish to say loudly and clearly at this time that these incidents are most serious and dangerous and are no cause for humor. There is continual threat of danger posed by potential loss of life to pilot and passengers through gun shot or through the piercing of the pressurized cabin by gunshot. Almost any such occurrence could cause a plane wreck and create certain tragedy.

There is no lack of legislation concerning penalty for the hijacker once he is apprehended. A 1961 law provides penalty of death or a minimum of 20 years in prison for such an offense. The U.S. Government has also offered rewards for information leading to arrest and conviction for anyone who attempts to hijack an airplane. However, to date there have been few prosecutions under these legal provisions.

A number of Federal agencies have become involved in the research effort to find an adequate solution to this problem. All types of detection devices are under study. Efforts to reach agreements with the Cuban Government have also been proposed. The FAA with State Department cooperation has led these efforts to come up with a practical solution.

Unfortunately, almost all the suggestions of potential solutions fall short of offering a solution. The problems of search and X-ray devices, rewards, the arming of the airlines crew, or some agreement with the Cuban Government either adds to the problem creating a more dangerous situation or is not practicable. Wherever you have a situation involving individuals criminally inclined or mentally unbalanced, who have a safe haven to which to fly, the problem is most difficult.

Because there is need to clarify this potentially dangerous problem, I have asked Senator WARREN MAGNUSON, chairman of the Commerce Committee, to hold hearings at the earliest possible date. These hearings, possibly executive session, followed by public, in the discretion of the chairman, can closely examine the existing alternatives and maybe provide an official channel for coming up with some answers. Also a public discussion of this issue may assist in bringing new ideas to light. I think there is a particular need to focus official and public attention upon the serious nature of these incidents.

One area to be explored more thoroughly is the possibility of going directly to the basis of the problem—the current noncommunicative relationship between the Cuban Government and our own Government. With the number of other hemispheric nations suffering from these incidents, pressure might be brought to bear by all of us to seek an end to these unlawful acts by returning all hijackers to the custody of the respective governments.

Another real possibility is the number of electronic devices which may detect a potential hijacker before he boards the plane. Although the FAA is searching into these alternatives and seeking the assistance of other governmental research activities, no practical results have been found. If it is found necessary, I will introduce legislation to provide extra funding for research efforts specificaly designed for this detection problem.

ORDER FOR RECESS UNTIL 8:30 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in recess until 8:30 this evening, at which time the Senate will proceed in a body to the Hall of the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the state of the Union address this evening, the Senate adjourn until 12 meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for a recess.)

SOCIAL HOUR FOR PRESIDENT

Mr. MANSFIELD. Mr. President, I wish to read to the Senate a letter which was sent to the President of the United States by the distinguished minority leader and me:

JANUARY 13, 1969.

The Honorable LYNDON BAINES JOHNSON,
The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We have discussed with colleagues the possibility of asking you to favor the Senate by attending a reception in your honor on Thursday, January 16, 1969 at 5:00 p.m. in room S-207 of the Capitol. They are unanimous in their wish that this invitation be extended to you.

We would like in this manner to express the affection and high esteem in which the former Majority Whip, Minority Leader and Majority Leader of the Senate is still held. It is an affection and esteem which, for some of us, grows out of our long association with you in the House of Representatives and the Senate of the United States and, for all of us, out of an appreciation for the total dedication with which you have served the nation in the Presidency.

It is our hope that you will permit us to extend to you this small tribute by favoring us with an acceptance.

With best personal wishes, we are

Respectfully yours,

MIKE MANSFIELD,
EVERETT MCKINLEY DIRKSEN.

I am happy to report that since this letter, sent by the joint leadership, has been received by the President, he has consented to be with us at 5 o'clock on Thursday next, in room S–207.

MAJORITY PARTY'S MEMBERSHIP ON COMMITTEES

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 14), as follows:

S. RES. 14

Resolved, That the following shall constitute the majority party's membership on the standing committees and the Select Committee on Small Business of the Senate for the Ninety-first Congress:

Committee on Aeronautical and Space Sciences: Mr. Anderson (Chairman), Mr. Russell, Mr. Magnuson, Mr. Symington, Mr. Stennis, Mr. Young of Ohio, Mr. Dodd, Mr. Cannon, and Mr. Holland.

Committee on Agriculture and Forestry: Mr. Ellender (Chairman), Mr. Holland, Mr. Eastland, Mr. Talmadge, Mr. Jordan, Mr. McGovern, and Mr. Allen.

Committee on Appropriations: Mr. Russell (Chairman), Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Holland, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Yarborough, and Mr. Montoya.

Committee on Armed Services: Mr. Stennis (Chairman), Mr. Russell, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. Young of Ohio, Mr. Inouye, Mr. McIntyre, and Mr. Byrd of Virginia.

Committee on Banking and Currency: Mr. Sparkman (Chairman), Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. McIntyre, Mr. Mondale, Mr. Hollings, Mr. Hughes, and Mr. Cranston.

Committee on Commerce: Mr. Magnuson (Chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tydings, and Mr. Spong.

Committee on the District of Columbia: Mr. Tydings (Chairman), Mr. Bible, Mr. Spong, and Mr. Eagleton.

Committee on Finance: Mr. Long (Chairman), Mr. Anderson, Mr. Gore, Mr. Talmadge, Mr. McCarthy, Mr. Hartke, Mr. Fulbright, Mr. Ribicoff, Mr. Harris, and Mr. Byrd of Virginia.

Committee on Foreign Relations: Mr. Fulbright (Chairman), Mr. Sparkman, Mr. Mansfield, Mr. Gore, Mr. Church, Mr. Symington, Mr. Dodd, Mr. Pell, and Mr. McGee.

Committee on Government Operations: Mr. McClellan (Chairman), Mr. Jackson, Mr. Ervin, Mr. Muskie, Mr. Ribicoff, Mr. Harris, Mr. Metcalf, Mr. McCarthy, and Mr. Allen.

Committee on Interior and Insular Affairs: Mr. Jackson (Chairman), Mr. Anderson, Mr. Bible, Mr. Church, Mr. Moss, Mr. Burdick, Mr. McGovern, Mr. Nelson, Mr. Metcalf, and Mr. Gravel.

Committee on the Judiciary: Mr. Eastland (Chairman), Mr. McClellan, Mr. Ervin, Mr. Dodd, Mr. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Tydings, and Mr. Byrd of West Virginia.

Committee on Labor and Public Welfare: Mr. Yarborough (Chairman), Mr. Randolph, Mr. Williams of New Jersey, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, and Mr. Hughes.

Committee on Post Office and Civil Service: Mr. McGee (Chairman), Mr. Yarborough, Mr. Randolph, Mr. Hartke, Mr. Burdick, Mr. Hollings, and Mr. Moss.

Committee on Public Works: Mr. Randolph (Chairman), Mr. Young of Ohio, Mr. Muskie, Mr. Jordan of North Carolina, Mr. Bayh, Mr. Montoya, Mr. Spong, Mr. Eagleton, and Mr. Gravel.

Committee on Rules and Administration: Mr. Jordan of North Carolina (Chairman), Mr. Cannon, Mr. Pell, Mr. Byrd of West Virginia, and Mr. Allen.

Select Committee on Small Business: Mr. Bible (Chairman), Mr. Sparkman, Mr. Long, Mr. Randolph, Mr. Williams of New Jersey, Mr. Nelson, Mr. Montoya, Mr. Harris, Mr. McIntyre, and Mr. Gravel.

Mr. DIRKSEN. Mr. President, in connection with the list I would like to ask the majority leader when the ratios have now been fixed so that for both standing committees and select committees we can feel the ratio will be 5 to 4. I would assume that is about as close an approximation as one can make.

Mr. MANSFIELD. It comes out almost exactly 57 to 43. How that could be rounded out, I do not know.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. WILLIAMS of Delaware. It comes out to the 57 to 43 ratio when the grandfather clauses are ignored. When the so-called grandfather clauses are taken care of it is about a ratio of 41.5 percent and 58.5 percent.

Mr. MANSFIELD. The Senator is correct, but certainly every Senator knows the situation in which the grandfathers, so-called, on committees have been raised from secondary to major status. I am sure the Senator knows the position we are in on this side of the aisle.

Mr. WILLIAMS of Delaware. I am just pointing the matter out so the record will be straight.

Mr. MANSFIELD. The Senator is correct.

Mr. WILLIAMS of Delaware. It is the result of the earlier rule of the Senate 3 or 4 years ago.

Mr. MANSFIELD. The Senator is correct.

Mr. DIRKSEN. Perhaps I should say to the distinguished Senator from Delaware that at some time or other we should clarify this grandfather business because we have one member on our side who is actually two grandfathers, because that is the way it came out. However, this is not the time.

Mr. WILLIAMS of Delaware. This is not the time. I realize the facts of life and that we do not have the votes to do it today.

NOTICE OF MEETING OF REPUBLICAN CONFERENCE AND REPUBLICAN POLICY COMMITTEE

Mr. DIRKSEN. Mr. President, I would like to announce that the Republican conference will meet at 3 o'clock p.m. in room 3333 of the Old Senate Office Building. The Republican policy committee will meet in room S–124 in the Capitol at 4 p.m., which is downstairs in the corner.

PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the majority leader about the schedule for the rest of the day. I am advised that a cloture motion will be filed some time this afternoon. If that be the case, then of course, under the rule we would not get around to a vote on it until Thursday.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, what he has just said is correct, at least as far as I know.

It is my understanding that a cloture motion will be filed shortly; and under the rule, of course, it will not be voted on until 1 hour after we meet on Thursday next, 1 day and 1 hour intervening.

I think I should say also that I hope it will be possible to bring up the presidential pay raise bill this week, because to be effective for the next President, who will be inaugurated at noon on January 20, it must be considered and agreed to before that time.

Then, I would hope that the committees would get together informally for the purpose of considering the nominees of the President-elect to fill the Cabinet appointments which are, of course, his prerogative. It would be the intention of the leadership before this qualification to endeavor to bring up under unanimous consent those nominations which may be reported on Monday or Tuesday next, depending. This is a matter which I think should be discussed with the Democratic caucus and we will have a meeting shortly to that effect.

If there are nominees about whom questions or objections have been raised, the distinguished minority leader will understand the situation, and we will guide ourselves accordingly.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. PASTORE. The Committee on Commerce has already assigned hearings tomorrow with respect to two of the designees. In view of the fact that the Republicans have not yet assigned committee members, I am wondering how the majority leader and minority leader would like us to treat this matter.

Mr. DIRKSEN. The members have been assigned, and I am hoping, in view of the fact there will be but one long speech this afternoon, that we can meet, since we have completed the list, so that it can be confirmed today.

Mr. PASTORE. The Senator would suggest that we leave the assignment undisturbed.

ORDER FOR RECESS AT CONCLUSION OF JOINT SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for adjournment tonight be changed to provide that the Senate recess at the conclusion of the joint session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

COMMITTEE ASSIGNMENTS

The Senate resumed the consideration of the resolution (S. Res. 14) making majority party committee assignments.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROGRAM

Mr. DIRKSEN. Mr. President, one other question, in case the matter has not been fully explored. My understanding is that after hearings are held on the nominees for the Cabinet, the committees can informally recommend approval and they can incorporate a phrase to the effect that nominations will be approved when the new President takes the oath of office, so that on January 20 I am hoping we can come back into session, have a brief session, consider them en bloc, and approve them.

Mr. MANSFIELD. If that is the position, the leadership on this side of the aisle will do its best to accommodate the suggestion made by the distinguished minority leader. If it is not possible on that day, of course, we will make it an order of business the next day, Tuesday.

Several Senators addressed the Chair.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state by title.

The LEGISLATIVE CLERK. A motion to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

Mr. CHURCH. Mr. President, I send to the desk a motion signed by myself and 19 colleagues to bring to a close the debate on the motion to proceed to the consideration of Senate Resolution 11. In filing the motion we continue to proceed under constitutional rights and privileges to change the rules of the Senate agreed to at the opening of the session.

Mr. HOLLAND addressed the Chair.

The VICE PRESIDENT. The clerk will state the motion.

The legislative clerk read as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Standing Rules of the Senate.

FRANK CHURCH, JAMES B. PEARSON, GEORGE MCGOVERN, JOSEPH D. TYDINGS, PHILIP A. HART, HUGH SCOTT, EDWARD W. BROOKE, QUENTIN BURDICK, MIKE MANSFIELD, EDMUND S. MUSKIE, CLINTON P. ANDERSON, STEPHEN M. YOUNG, CLIFFORD P. CASE, HIRAM L. FONG, GAYLORD NELSON, JACOB K. JAVITS, FRANK E. MOSS, WALTER F. MONDALE, EDWARD M. KENNEDY, WILLIAM PROXMIRE, JOHN O. PASTORE, HARRISON WILLIAMS, VANCE HARTKE, CHARLES GOODELL, LEE METCALF.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. CHURCH. Mr. President, under the terms of the cloture motion just filed, the Senate will proceed to vote on the question of closing debate on next Thursday, 1 hour after the Senate convenes. It is the view of most of those Senators signing the cloture motion that with respect to questions proposing changes in the Senate rules at the opening of a new Congress, the requirement of rule XXII for an affirmative vote of two-thirds of those Senators present and voting to invoke cloture is an unconstitutional restriction on the right of the Senate to amend its rules at the opening of a new Congress. The parliamentary inquiry, therefore, is:

If a majority of the Senators present and voting, but less than two-thirds, vote in favor of this motion for cloture, will the motion have been agreed to?

The VICE PRESIDENT. The Chair would advise the Senator from Idaho——

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry——

The VICE PRESIDENT. The Chair would like to respond to the Senator from Idaho, as he has placed a parliamentary inquiry. May the Chair respond to that inquiry first and then the Chair will recognize the Senator from Florida and the Senator from North Carolina.

Mr. ERVIN. I wanted to ask a question——

The VICE PRESIDENT. The Chair would ask the Senator from Idaho, Does he wish to yield for that purpose?

Mr. CHURCH. No. I should like to have a response from the Chair to my parliamentary inquiry first.

The VICE PRESIDENT. The Chair wants to say, first of all, in order to handle these parliamentary inquiries that are so intricate, the Chair will try strictly to enforce the procedures of this body, so that we will have as complete and accurate thought as possible.

The Senator from Idaho has directed a parliamentary inquiry to the Chair. The Chair is aware of Senators' interest in this, and wishes to state that the Chair believes the Senate should fully understand both the Chair's views as to the parliamentary situation and the Chair's intentions with respect to the motion for cloture should a majority, but less than two-thirds, of the Senators present and voting, approve it.

There is perhaps no principle more firmly established than the constitutional right of the Senate under article I, section 5 to "determine the rules of its proceedings." The right to determine includes also the right to amend. No one has ever, to the Chair's knowledge, seriously suggested that a resolution to amend the Senate rules required the vote of more than a simple majority.

On a par with the right of the Senate to determine its rules, though perhaps not set forth so specifically in the Constitution, is the right of the Senate, a simple majority of the Senate, to decide constitutional questions.

If a majority—this is the view of the Chair—but less than two-thirds, of those present and voting, vote in favor of this cloture motion, the question whether the motion has been agreed to is a constitutional question. The constitutional question is the validity of the rule XXII requirement for an affirmative vote by two-thirds of the Senate before a majority of the Senate may exercise its right to consider a proposed change in the rules. If the Chair were to announce that the motion for cloture had not been agreed to because the affirmative vote had fallen short of the two-thirds required, the Chair would not only be violating one established principle by deciding the constitutional question himself, he would be violating the other established principle by inhibiting, if not effectively preventing, the Senate from exercising its right to decide the constitutional question. The Chair does not intend to violate both these principles.

It is the view of the Chair, just as it was the view of an earlier President of the Senate, who is now the President-elect, that, at least, at the opening of a new Congress:

> The majority has the power to cut off debate in order to exercise the right of changing or determining the rules. (Nixon, CONGRESSIONAL RECORD, vol. 105, pt. 1, pp. 8–9.)

In response to the parliamentary inquiry of the Senator from Idaho, therefore, the Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair will announce that a majority having agreed to limit debate on Senate Resolution 11, to amend rule XXII at the opening of a new Congress, debate will proceed under the cloture provisions of that rule.

The Chair notes that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair would place the appeal before the Senate for an immediate vote since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

The Chair has set forth this response to the inquiry of the Senator from Idaho so that all Members of the Senate will have adequate opportunity to acquaint themselves with it and calls attention to the fact that there is now time under the terms of the cloture procedure for the Senate to debate the implications of this response and consider its own reaction to the motion for cloture in the light of the Chair's announced course of action.

Mr. CHURCH. I thank the Chair for his advisory opinion.

The VICE PRESIDENT. Now the Chair recognizes the Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. Mr. President, I invite attention first to the fact that the cloture motion, by its very terms, is lodged under rule XXII of the Senate. Is the Chair familiar with that fact?

The VICE PRESIDENT. The Chair is very well familiar with that fact. The Chair has tried to take note of the fact that the question relates to the section of rule XXII, the two-thirds requirement at the opening of a new Congress as to whether that is unconstitutional when the Constitution provides that a majority may transact business and that the Senate shall make its own rules for its own procedures.

Mr. HOLLAND. Mr. President, the Chair has made very clear what his ruling would be, and I think he has just stated that part of the question is a constitutional question.

At what stage in the proceedings can the constitutional question be raised by those who are opposed to the amendment of rule XXII? The Senator from Florida wishes to raise the constitutional question which the Chair has already stated exists within this entire package, and he wants to know at what stage that question may be properly raised.

The VICE PRESIDENT. Under the terms governing the Senate's procedure under rule XXII, when the time has expired on the matter—that would be Thursday of this week—there is a time, under rule XXII, at which the Senate will cast its vote. The question before the Senate will be: Is it the sense of the Senate that the debate shall be brought to a close?

It is at that point where the Chair has indicated that, if a majority of the Senate votes in the affirmative to close debate, under the Chair's interpretation of the constitutional right of every Member of the Senate, and the right of the Senate, at the beginning of a new Congress, to make its own rules of procedure, a majority would prevail and that debate would be limited, and that the action of the Senate under the balance of rule XXII would proceed under the cloture provisions.

It is at that point that the appeal will be placed immediately before the Senate for decision, as to whether or not the Chair's ruling is to be upheld or the Chair's ruling is to be cast aside.

Mr. HOLLAND. Suppose the opponents to this action, of which the Senator from Florida is one, instead of voicing an appeal, raise the constitutional question at that time. What would then be the attitude of the Chair?

The VICE PRESIDENT. All constitu-

tional questions are subject to the decision of the Senate itself, and the Chair would place the question before the Senate.

Mr. HOLLAND. In that case the question would be subject to debate; would it not?

The VICE PRESIDENT. Not under the cloture procedure. The cloture motion would have been filed and the provisions under the cloture proceedings would be adhered to.

Mr. HOLLAND. In effect, the Chair is ruling that he will not permit any appeal as to the unconstitutionality of the proposed ruling of the Chair. Is that correct?

The VICE PRESIDENT. The Chair has expressed today his views and his intention in order to forewarn the Senate—what the Chair believes is necessary fairplay. Senators are now on notice that it is the intention of the Chair—and I will repeat, so that there will be no doubt about what the Chair thinks—to rule, if a majority of the Senators present and voting, but fewer than two-thirds, vote in favor of the pending motion for cloture, that a majority having agreed to limit debate on the motion to consider Senate Resolution 11, to amend rule XXII at the opening of a new Congerss, debate will proceed then under the cloture provisions of that rule. In other words, debate will be limited except, insofar as the cloture provisions are concerned, with respect to the application of the time under the provisions of rule XXII.

The Chair wants to note that that decision, which will proceed under the cloture provisions of rule XXII, is subject to appeal, if it is taken before any other business intervenes, because we are dealing with the Chair's interpretation of the Constitution and the constitutional rights of each Member of the Senate. That constitutional issue should not be decided by the Chair, and must be decided by the Senate itself. The procedure which the Chair enunciates today permits—in fact, requires—the Senate to make the decision.

Mr. HOLLAND. Mr. President, at what stage can the constitutional question be raised under the procedure outlined by the Chair?

The VICE PRESIDENT. Under the appeal provision provided under rule XXII.

Mr. HOLLAND. But, as the Senator from Florida understands it, the Chair has ruled that when the ruling is appealed, there will be an immediate vote and no time for debate.

The VICE PRESIDENT. There would be no debate on the appeal; that is correct.

Mr. HOLLAND. If it is the intention of the learned Vice President to rule that, in effect, no chance to present the constitutional question can be had and no constitutional appeal can be made, except an appeal from the ruling of the Chair, in the opinion of this Senator that ruling, in effect, would deprive the Senate of any chance to discuss the constitutional aspects of this very serious matter; and the Senator from Florida protests vigorously against that sort of conclusion.

The Senator from Florida also calls attention to the fact that while the Chair and his distinguished friend from Idaho both say that they are proceeding under rule XXII, they proceed only so far. They proceed to the filing of the motion, under rule XXII, with the signatures of 16 Senators appended to the motion; they proceed up to the time of the setting of the vote upon the so-called cloture as it is set by rule XXII; they allow that vote to be held; and yet, in spite of the other portions of the rule, requiring that a two-thirds vote shall prevail in order to effect cloture, they insist that, under this condition, at the beginning of a Congress, a simple majority vote will permit cloture.

It seems to the Senator from Florida that, in effect, this attitude completely rewrites rule XXII and proceeds under a rule that is nonexistent. There is no rule existent for cloture of debate except upon casting of a two-thirds affirmative vote to close debate. It is that fact that the Senator from Florida wants to call to the attention of the learned Presiding Officer.

Mr. President, we will not attempt to solve the matter at this time except in respect: I want to serve notice that any way we can find to present the constitutional question for debate, notwithstanding the announced intention of the Presiding Officer to rule against debate upon the constitutional question, will be presented, and we shall ask for the opportunity to debate it. I want to serve notice to that effect.

The VICE PRESIDENT. The Chair wishes to respond briefly to the comment of the Senator from Florida. The purpose of the Chair in stating the Chair's intention relating to the parliamentary inquiry posed by the Senator from Idaho is to afford the Senate and its Members every opportunity to debate the constitutional question; and now under rule XXII time is provided for that. It is not as if the debate were foreclosed. It is, however, necessary, in order to get the constitutional question, to apply the established precedent of the Senate on an appeal from the Chair's ruling on constitutional questions; and rule XXII itself provides that such appeals, if there is no intervening business, shall be voted upon without debate.

Second, in reference to the rules, it has been held, not only by this Presiding Officer but by others—and I quote from the ruling in 1959, or the advisory opinion, I should say, in 1959——

Mr. HOLLAND. That was not a ruling of the Chair.

The VICE PRESIDENT. Advisory opinion. The Chair corrected himself.

In 1957, 85th Congress, Vice President Nixon gave an advisory ruling as follows, CONGRESSIONAL RECORD, volume 103, part 1, page 178:

> It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.
>
> Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

That is the section which requires two-thirds——

Mr. RUSSELL. Mr. President, will the Presiding Officer be gracious enough to read all of the former Vice President's ruling, in which he also said if we proceeded under the rules of the preceding Congress, this advisory opinion would not be valid?

The VICE PRESIDENT. The Chair is quoting from the advisory opinion of the preceding Presiding Officer of the Senate. This Presiding Officer is announcing his intention of ruling that if a majority, less than two-thirds, but a majority of the Senators, vote in the affirmative on the motion of the Senator from Idaho, the Chair will rule that the proceedings under the cloture proceeding shall be in effect.

Mr. RUSSELL. If I understand the situation, the Chair is reversing the opinion that he made here 4 years ago. I just came into the Chamber. The Chair is quoting as an authority an advisory opinion of a former Vice President of the United States. While I have not looked it up in several years, if my memory serves me correctly, in that same advisory opinion he stated that if the Senate proceeded under the rules of the other session previously adopted, the advisory opinion would not be in effect, because it would mean that the rules had been adopted.

In the case, today, we have moved all the way up to the filing of the cloture motion.

The VICE PRESIDENT. The Chair wishes to note that it is his view that those rules that continue over from one Congress to another, that are not challenged at the opening of the new Congress or do not violate the constitutional provision of majority rule, are valid. That is the Chair's opinion. All of this is subject to appeal, once the ruling is made. The Chair has announced his intention to make a ruling. That appeal on constitutionality can only be settled by the Members of the Senate. But we have debated this question over the years, and it seems to this Presiding Officer that the time is at hand to have a decision.

Mr. RUSSELL. Mr. President, will the Chair advise just when a new Congress begins, and the old Congress ends? The Chair keeps referring to "the new Congress." The rules, of course, provide that they can only be changed in the manner prescribed therein specifically and definitely. But the Chair used the term "challenged at the opening of the new Congress." When does the new Congress begin?

The VICE PRESIDENT. The Chair responds, first, by saying that the Senator from Idaho has raised the question in his cloture motion that that section of the rule which requires a two-thirds vote is unconstitutional, and the Chair intends to make his ruling on that matter, and then the Senate will have its opportunity to decide. There has never been any question but that the rules, unless contested at the opening of the Senate, shall continue in effect. They continue by passive assent. As to whether there is a new Congress or not, I only refer

the Senator to the fact that I have before me an issue of the CONGRESSIONAL RECORD regarding the proceedings and debates of the 91st Congress. That opened on the 3d day of January. The other Congress was the 90th Congress.

Mr. RUSSELL. The Chair had said that it must be during the new Congress. It seemed to me that if the challenge would apply today, it would apply in August.

In other words, take rule XL, for example, which prescribes that the rules of the Senate can only be suspended by a two-thirds vote, after notice given in writing of 1 day. Is it in order, now, to declare that unconstitutional?

The VICE PRESIDENT. I say to the Senator that if some Senator wishes to challenge it, that is his right, and the Chair would place that question before the Senate.

Mr. RUSSELL. When would that right expire?

The VICE PRESIDENT. The Chair would say to the most learned Member of this body on the rules——

Mr. RUSSELL. I thank the Chair.

The VICE PRESIDENT. You may change the rules any day that you wish. The Chair advises the Senator that it is his understanding that the Senate may change its rules any time it wishes. There is a procedure for doing that.

Mr. RUSSELL. On motion made from the floor?

The VICE PRESIDENT. If you can obtain unanimous consent. Otherwise you will have to proceed under the normal processes of the Senate.

Mr. RUSSELL. Mr. President, I thought it was unquestioned that the rules of the Senate could only be changed by written resolution.

The VICE PRESIDENT. There is no question that there is a body of rules before the Senate at this time. There is no question about that. The question as posed by the Senator from Idaho is the right of a Senator, with new Senators and a new Senate, to challenge, at the opening of a Congress, how the rules can be changed.

Mr. RUSSELL. Mr. President, I am still confused as to when a Senator is no longer a new Senator, and when a Congress is no longer a new Congress. I had always considered that each and every one of the 100 Members of the Senate were equals, and it made no difference when they entered the Senate. I think the most eloquent, or one of the most eloquent speeches that Webster ever made was in proclaiming the equality of every Senator on the floor of the Senate. I cannot conceive of a more vague or meretricious ruling than that. Simply because we have new Senators here, and a new Congress, a different state of facts exists with respect to the rules.

The VICE PRESIDENT. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, first I ask unanimous consent that the entire advisory opinion of the former Vice President, Richard Nixon, be printed in the RECORD at this point.

The VICE PRESIDENT. The Chair appreciates that, and intended to so request. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the advisory ruling was ordered to be printed in the RECORD, as follows:

VICE PRESIDENT NIXON'S RULING

In 1957, during the debate on the rules at the opening of the Senate of the Eighty-fifth Congress, Vice President Nixon gave an advisory ruling as follows (CONGRESSIONAL RECORD, vol. 103, pt. 1, pp. 178–179):

"It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

"Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

"The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

"At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

"First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

"Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

"Third. It can vote affirmatively to proceed with the adoption of new rules.

"Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

"If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

"In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules."

Mr. HOLLAND. Mr. President, I also wish to call attention to the fact that I know of no precedent whatsoever, and I cannot conceive of any precedent, whereby a ruling should be made that a proceeding can be undertaken under an existing rule, and follow it meticulously in every respect except one, and that is that after the vote is taken, the Presiding Officer shall decide that the rule does not apply, and hold that the objectives of the rule to close debate may be attained by a lesser and a smaller vote than that announced by the rule. It seems to me that such a ruling, on the very face of it, is not only without precedent, but is without logic, and we should find any means that we can to dispose of the ruling of the Presiding Officer.

I might say, in closing at this time, that it seems to me that, having chosen to proceed under this rule, as the petitioners do, and having signed their names under the petition, saying on its very face that this petition is brought under rule XXII, and having invoked the provisions of the rule itself to limit the debate between the presentation of the rule and the taking of the vote upon the rule, that then, to declare after the vote is taken that after all, they were only joking up to that point, because they had no intention of observing the requirements of the rule as to the number that was required to vote affirmatively to bring about cloture, presents a perfectly ridiculous situation. I cannot help but say that for the RECORD at this time, with all respect, and great respect, to the Presiding Officer.

Several Senators addressed the Chair.

Mr. HOLLAND. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. Will the Senator ask unanimous consent that the ruling by the same Presiding Officer on this subject 4 years ago likewise be printed in the RECORD?

Mr. HOLLAND. Mr. President, I make the request at this time that the ruling of the learned Vice President 2 years ago be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Chair hopes that the Senate will learn as the Chair has.

The VICE PRESIDENT. The Chair feels that it is its obligation at this point, in light of the point of order raised by the Senator from Illinois, to state its view on this matter.

The point of order made by the Senator from Illinois involves or raises the question of the constitutionality of the motion of the Senator from South Dakota. On many occasions questions have been raised regarding the constitutional right of the Senate to act in a given manner, and the precedents are uniform. The Chair, on all these occasions, has submitted such questions to the Senate for its consideration.

The Chair is sure that Members of the Senate are well aware of the Presiding Officer's record as a U.S. Senator, at that time as an advocate of a point of view. The Chair is now the Presiding Officer of the entire Senate and stands as a servant of the Senate, rather than as an advocate within it.

Therefore, the precedent, which is a part of Senate history—namely, that the Chair has submitted constitutional questions to the Senate for its decision—the Presiding Officer believes to be a sound procedure. It has not been considered the proper role of the Chair to interpret the Constitution for the Senate. Each Senator takes his own obligation when he takes his oath of office to support and defend the Constitution. The Presiding Officer is aware of no sufficient justification for reversing this procedure.

Because the point of order made by the Senator from Illinois involves the constitutionality and propriety of the motion of the Senator from South Dakota—and at this time the Senate is attempting to modify its rules at the opening of Congress under rule XX on matters relating to questions of order—

the Presiding Officer may submit any question of order for the decision of the Senate.

Therefore, following the precedent of the Senate, the Chair submits to the Senate the question: Shall the point of order made by the Senator from Illinois be sustained? That question is debatable.

Mr. DIRKSEN. Mr. President, only for clarification—and this is a parliamentary inquiry—I think the RECORD should show now that an appeal from the ruling of the Chair will be disposed of by a majority vote.

The VICE PRESIDENT. The Senator is correct.

Mr. JAVITS. Mr. President, the papers from former Vice President Nixon, which have been placed in the RECORD, contain the following statement made at the beginning of the session in 1959:

Under the advisory opinion, the Chair rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote the Senate is proceeding under the rules adopted previously by the Senate . . . but, as the Chair stated earlier today, and as he expressed himself more fully in an advisory opinion at the beginning of the last Congress, in the opinion of the Chair the rules previously adopted by the Senate and currently in effect are not, insofar as they restrict the power of the Senate to change its rules, binding on the Senate at this time.

I make this parliamentary inquiry: In the judgment of the Chair, does that precedent which the Chair has cited apply to rules by number or to any part of any rule if it can be applied without vitiating what the Chair considers to be the constitutional right of the majority of the Senate?

The VICE PRESIDENT. It would be the view of the Chair that the opinion given by the former Vice President applies to a part of the rules or could apply to the entire body of the rules.

Mr. JAVITS. Mr. President, one other parliamentary inquiry: Is it a fact that upon more than one occasion—upon several occasions—assurance was given by the majority leader, by the President pro tempore of the Senate, and by the minority leader that no rights of any kind were being waived to raise this question by virtue of the proceedings which have taken place since the opening day of this Congress, January 3?

The VICE PRESIDENT. It is the view of the Chair that such assurances have been given at the opening of this Congress and in previous Congresses.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RUSSELL. I think it should be made clear that that also applies to the Presiding Officers other than those the Senator mentioned.

Mr. JAVITS. Of course. Is it not also a fact that the Chair, upon the opening day, followed an order of business for that day which began with a call to order, a prayer, the presentation of election certificates, the administration of oaths, a call of the roll, the receipt and referral of messages from the President, a resolution to notify the President that a quorum of the Senate had convened, the designation of a President pro tempore, and announcement of the order of business, and that then I asked, as a parliamentary inquiry, whether it was not in order to deal with the rules of the Senate.

The VICE PRESIDENT. It is the view of the Chair that that was the situation.

Mr. JAVITS. So this presents to the Senate the pattern of what was done as a regular pattern of procedure.

One final question: I find in another part of the opinion, which the Chair said was his opinion, that this is the way the Chair would rule if he had the opportunity:

A constitutional question would be presented if the time should come during the course of the debate when action on changing the rules should seem unlikely because of extended debate. At that point any Member of the Senate, in the opinion of the Chair, would have the right to move to cut off debate. Such a motion would be questioned by raising a point of order.

I ask the Chair if it is not a fact that that was precisely the procedure which was employed in 1967, when the Chair—the presently presiding Vice President—stated that if a motion to table the point of order, which was made precisely in that way, was unsuccessful, he would construe that to mean a decision on the constitutional question by the Senate.

The VICE PRESIDENT. That is the recollection of the Chair as to the situation that prevailed here in 1967.

Mr. JAVITS. I thank the Chair.

Now I should like to proceed in my own time for a few minutes. I have not yet finished. I think that at long last the Senate of the United States has reached a historic moment, when we have a Vice President who has faced the issue and decided that he is an officer having power and authority, and that he is here to do something other than to be ministerial; that he has finally tried to bring to resolution a long-standing question which, in my judgment—I speak as only one Senator—has disgraced the Senate. This problem is epitomized by the fact that we were so involved in our own footwork in terms of procedure in the Senate that we could not move, whatever might be the law or whatever might be the Constitution, without the consent of two-thirds of the Senate; epitomized by the fact that on one occasion a Vice President put to the Senate this very question, "Shall debate be closed?" but he said that that question was debatable, and that was the end of the matter. The Senate again was tied up in its own feet and its own procedure and could not move a step beyond that.

I should like to say that, in my judgment, without the persiflage and flattery that goes into so many speeches—we all do it, including myself—but just calling it straight, the Vice President of the United States has today performed one of the most historic services known to the history of this country. I may not live to see it, nor any of us here, but if this ruling stands up—and I think it will—one day the Vice President's name will be blessed, because we will have a decision which will have been made, and which cannot be vetoed by one-third of the Senate, even though a majority wants it to take place.

As one Senator, I wish to express the enormous satisfaction with our processes of government which at long last have been put on a track on which a majority of the Senate may be permitted to do its duty.

Mr. HOLLAND. Mr. President, the Presiding Officer is, of course, familiar with section 2 of rule XXXII, which reads:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

My parliamentary inquiry is: What weight, what importance, what effect does the Presiding Officer give to section 2 of rule XXXII, under the course of action which he has outlined as intended to be followed by him?

The VICE PRESIDENT. It is the view of the Chair that there is no rule of the Senate that can violate the Constitution, and the petition of the Senator from Idaho does not violate the rule.

Mr. HOLLAND. If the learned Presiding Officer means what I understand him to mean, he is holding that section 2 of rule XXXII is completely unconstitutional.

The VICE PRESIDENT. Not at all. The Chair is not holding that at all. That is not the question. The question before the Senate is the question posed by the Senator from Idaho relating to section 2 of rule XXII, which requires a two-thirds vote of the Senate in order to comply with the procedure for cloture. That question will be raised at the appropriate time, and the vote will come on Thursday as to whether or not it is a constitutional provision.

The Chair has expressed his intention of following what he believes the Constitution requires, namely, that the Senate shall make its own rules of procedure, but also that a majority shall constitute a quorum for the purpose of doing business.

It is the view of the Chair that in light of those constitutional provisions and precedents, the majority can cut off debate in this instance, at the beginning of a new Congress, in matters of rules. That is the view of the Chair.

Mr. HOLLAND. Then, the Presiding Officer is ruling that the words "unless they are changed as provided in these rules," which certainly mean as provided by section XXII, as by other rules——

The VICE PRESIDENT. As it may be amended.

Mr. HOLLAND. That that section is inapplicable.

The VICE PRESIDENT. No, the Chair is not ruling that at all. The question before this body is the amendment of rule XXII. That is the question. At that point, the issue of constitutionality arises, as to whether or not a majority can, at the beginning of a new Congress, exercise its right to modify, change, or adopt new rules or amend old rules. That is the question. When that is resolved, if, for example, it is agreed subsequently that three-fifths of the Senators could cut off debate, then that rule—what is the number?

Mr. HOLLAND. Rule XXXII, section 2.

The VICE PRESIDENT. That rule

would apply, because the Senate has expressed its will.

The Chair is attempting to place before the Senate a question that has been debated in this Chamber for years, as to whether or not the two-thirds vote requirement of section 2 of rule XXII is constitutional at the beginning of a new Congress when Senators, at the beginning of a new Congress are attempting to amend, change, and adopt the rules.

Mr. HOLLAND. Mr. President, does the question not go further than that? This section provides that changes in the rules cannot be made "unless they are changed as provided in these rules." Is not the Presiding Officer ruling that that part is inapplicable?

The VICE PRESIDENT. Not at all. The Chair is not so ruling at all.

The question before the Senate is on the right of the Senators—each and every Senator—and this body, at the opening of a new Congress, to adopt its rules of procedure. Since there is no express provision in the Constitution for a two-thirds requirement on rules, but rather that the Senate shall make its own rules of procedure and a quorum shall constitute a majority for the purpose of doing business, the question then arises as to whether or not any procedure that inhibits or violates that majority rule is constitutional at this point in the proceedings.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. Ninety Congresses of the United States and the U.S. Supreme Court, in the case of McGrain against Daugherty, handed down in 1926, reported in 273 U.S., page 135, have held that the Senate is a continuing body. I quote from the case of McGrain against Daugherty.

> The rule may be the same with the House of Representatives, whose Members are all elected for a period of a single Congress, but it cannot well be the same with the Senate, which is a continuing body, whose Members are elected for a term of six years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

Now, since 90 Congresses of the United States have held that this is a continuing body, since the Supreme Court of the United States has held that this is a continuing body, since the rules of the Senate provided that these rules will remain in effect except when changed by the Senate in accordance with these rules, when did this body cease to be a continuing body?

The VICE PRESIDENT. Is the Senator asking the Chair for his opinion?

Mr. TALMADGE. I am asking the Chair a parliamentary question. When did the Senate cease to be a continuing body?

The VICE PRESIDENT. The Chair has not thought that the Senate ceases to be a continuing body. In other words, if the Senator argues that the Senate is a continuing body, it is his right.

Mr. TALMADGE. I am. I am quoting the Supreme Court and the precedent of 90 Congresses.

The VICE PRESIDENT. The Chair does not dispute that. The only question that the Chair will place before the Senate is the point of the Senator from Idaho, which challenges the constitutionality of section 2 of rule XXII. That is all.

Mr. TALMADGE. Do I correctly understand the ruling of the Chair to be that the Senate is a continuing body?

The VICE PRESIDENT. The Chair has not ruled on it, but it is the view of the Chair that the Senate is a continuing body, and he does not feel it is relevant to the issue.

Mr. TALMADGE. That is what the Supreme Court says, and I congratulate the Chair on agreeing with the Supreme Court in that instance.

The VICE PRESIDENT. The Chair has agreed with the Supreme Court on other occasions.

Mr. TALMADGE. If it is a continuing body, how can the Senate change its rules except in accordance with the rules of the Senate?

The VICE PRESIDENT. It is the view of some Senators, apparently, that a rule of the Senate which in the view of Senators—one or more—violates the constitutional rights of a Senator is subject to challenge. Also, it is the view of some Senators—and it is concurred in by the Chair—that at the opening of a new Congress, even of a continuing Senate, each Senator has all the rights and privileges under the Constitution that were present in the first Senate, and that the Constitution prescribes that a majority shall be a sufficient quorum for the purpose of doing business, that all legislation shall be passed by a majority, and that the Senate shall adopt its own rules of procedure.

The question is not whether the Senate is a continuing body. The question is posed by the Senator from Idaho, and it has nothing to do with a continuing body.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. Do I correctly understand the ruling of the Chair to be that if more than a majority vote for the cloture motion next Thursday, a Senator can proceed to speak then only in accordance with the cloture rules?

The VICE PRESIDENT. That is the intention of the Chair, and the Chair has given the Senate that forewarning.

Mr. TALMADGE. A Senator, who has been elected by his constituency and sent to the Senate, can be gagged by a ruling of the Vice President after speaking for 1 hour? Is that the ruling of the Chair?

The VICE PRESIDENT. Rule XXII does the gagging, if any gagging is to be done. It is not the Chair who does the gagging.

Mr. TALMADGE. The Vice President has held that rule to be unconstitutional in part and valid in other parts. Is that the ruling of the distinguished Vice President?

The VICE PRESIDENT. The Chair observes that questions of constitutionality are brought by the Chair to the Senate for the Senate's decision. The Chair is not ruling on constitutional questions.

So that there may be no question, the Chair believes it would be well, for purposes of understanding, to repeat what the Chair has in mind.

The Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting, but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair intends to announce that a majority having agreed to limit debate on Senate Resolution 11, at the opening of a new Congress, debate will then proceed under the cloture provisions of that rule.

The Chair knows that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair will place that appeal before the Senate for an immediate vote, since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

It all boils down to the fact that what the Chair is attempting to do is to simplify this issue to permit the Senate to work its will as to whether or not the two-thirds requirement of section 2 of rule XXII which is being challenged at the opening of this Senate is unconstitutional.

Mr. TALMADGE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. As I understand rule XXII, it provides that only two-thirds of the Senate present and voting may gag a Senator. Is that not correct?

The VICE PRESIDENT. I believe that is correct.

Mr. TALMADGE. Under what authority does the Vice President propose to gag Senators if the rule does not give him that authority?

The VICE PRESIDENT. The Vice President, as the Presiding Officer, would place the question before this body so that the body itself may decide whether or not that provision of rule XXII is or is not constitutional; but the Chair is expressing the desire to help the Senate work its will. It is time to face up to it.

Mr. TALMADGE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TALMADGE. As I understand the distinguished Vice President intends to use the very rule he says is unconstitutional to gag a Senator who desires to speak for his State.

The VICE PRESIDENT. The Chair does not seek to use any rule except those rules applied by Senators. The Chair does not initiate proceedings. The matter has been initiated by the Senator from Idaho.

The Chair responded to an inquiry by the Senators from New York that a rule or a portion of a rule can be contested as to its constitutionality, and that is what is happening.

The debate is not with the Chair but

with the Senator's colleagues. That may be the different point of view. The purpose of the Chair is to precipitate decision.

Mr. TALMADGE. I most respectfully disagree with the ruling of the Vice President. Ninety Congresses have taken a contrary view. The Supreme Court has taken a contrary view, which I have read to the distinguished Vice President.

The distinguished Vice President has said in effect that rule XXII itself is unconstitutional and yet he purports to use that same rule to gag Senators from 50 States sent to the Senate to represent them.

The VICE PRESIDENT. The Chair responds most respectfully that the Chair has not said rule XXII is unconstitutional. The Chair has not contested the continuing body nature of the Senate.

The Chair merely said that the question posed by the Senator from Idaho in his motion is one that challenges the constitutionality of section 2 of rule XXII; and under all the understandings in this body, in this the 91st Congress, and in preceding Congresses, the statements of the majority leader and minority leader and others, none of the rights of any Senator shall be prejudiced by the transaction of business taken in these early days of a new Congress. It has been understood that Senators could test the rules and portions thereof as to constitutionality.

Mr. TALMADGE. If rule XXII is unconstitutional, we have no cloture rule whatever. Not only a majority could not gag the Senate, but 99 Senators could not gag the Senate, if any Senator wanted to speak, if rule XXII is unconstitutional.

The Vice President is proceeding to attempt to gag Senators under the very rule that he held to be unconstitutional.

The VICE PRESIDENT. The Chair would only respond that cloture proceedings are not the subject being contested.

Mr. THURMOND. Mr. President, I cannot hear.

The VICE PRESIDENT. It is the two-thirds that is required to cut off debate under rule XXII which the Senator from Idaho challenges on a constitutional basis. That question can be decided only by the Senators who debate the question, and not by the Chair.

The Chair is attempting to precipitate a decision by a procedure he outlined in advance so the Senate will be on notice. The Chair has not ruled that rule XXII is unconstitutional.

The Chair indicated his intention that when the vote is called on the cloture motion, the one filed by the Senator from Idaho, if a majority, or less than two-thirds, a majority vote to sustain the motion, then it will be the view of the Chair that the body of rule XXII, the cloture proceedings, will prevail.

Mr. TALMADGE. If I recall correctly, 4 years ago when this question came before the Senate the distinguished Vice President ruled that he thought rule XXII was unconstitutional but he held it to be a constitutional question and submitted it to the Senate, and the Senate only could make the decision. At that time he did not attempt to try to gag Senators from the States. Therein lies the difference in the ruling.

The VICE PRESIDENT. May I say respectfully to the Senator, for whom I have the highest regard, that the Chair in this instance is not attempting to gag the Senate. The Chair is attempting to assist the Senate to meet the issue. That is the responsibility of the Presiding Officer in many of these highly controversial matters. The Chair has drawn the issue, but it is subject to appeal; it is a constitutional question which can be decided only by the Senate so the Senate can work its will. The Chair seeks to facilitate the business of the Senate; not inhibit it.

Mr. TALMADGE. If the Chair allows a Senator to speak at his sufferance for only 1 hour, he has gagged that Senator.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, the present occupant of the chair needs no defense from any Member of this body or anyone else, either as to his integrity or skill in performing the functions of his difficult position which he is now performing. However, I would like to say this. Any suggestion that the Chair is overreaching or will overreach by following the procedure he intends to follow is utterly without foundation. The Chair will have no choice when the time comes to vote on the cloture motion but to put the question, and then, the vote having been taken, to rule, as the Chair must always rule, whether a motion has been adopted or not. So he is only performing his function in doing so. In the procedure which he has announced he will follow, he is following strictly all the precedents of this body, and it is a basic rule that the Senate decides constitutional questions.

So that decision will be made, as the Chair so clearly stated and reiterated, despite efforts made to confuse the question upon appeal from his ruling, a ruling which he must make. This is the action of the Senate itself and the Chair is absolutely correct in his statement that the rules require that appeals made during rule XXII proceedings shall be voted upon without debate. The Chair, it seems to me, is following strictly the rules of this body and the Constitution.

If I may just avert to one statement made earlier by the Senator from Georgia, I think it was, in regard to the proposition that if rule XXII is not applicable then there is no right because the Constitution requires that all Senators be allowed to speak without any restriction whatever upon their debate. There is no such provision in the Constitution. The only provision of the Constitution in that matter is that the Senate has a right to make its own rules. This entire matter of unlimited debate is something that has grown up as a practice, and not the wisest practice in all cases. There was a time in history when this body operated under proceedings by which the Chair would cut off debate when in his sole judgment he thought a man was talking in a tiresome way or in a dilatory fashion.

So there is no provision for unlimited debate; only that the Senate make its own rules. The Senate has made its own rules. The Senate made the rules here.

I have one other point. In 1959 we adopted the provision changing former rule XXII so that a two-thirds vote of those present and voting, as opposed to the two-thirds vote of the total authorized membership of the Senate, would be sufficient to adopt a cloture motion under rule XXII. As part of the price exacted for that was this little tricky provision that rule XXII shall continue from Senate to Senate unless changed as provided in these rules. At that time many of us were fully aware that literally interpreted that might prevent the kind of proceeding at the beginning of each new Congress which we are engaged in right now.

We announced that we would not accept and could not, indeed, because the constitutional rights of all Senators, then and forever in the future, would be affected, and that could not be done by any Senate action; that that provision, insofar as it might, in the future, operate to restrict the right of the Senate at the beginning of each new session to change them, would be invalid. So no one was lulled into any kind of misapprehension that the position we took then, and have always taken since, would not be taken in the future.

One further point and I shall finish. I think that not only do I fully agree with everything the Senator from New York and other Senators have said about what the President of the Senate has said, but it is not only a courageous act, it is also a fair and decent act, not to wait until the time of a vote, or the time the vote will occur and then make an announcement as a surprise, but to state now and between the time the vote is taken that Members of the Senate, agreeing or disagreeing, can fully put on the record their thoughts about this issue and what they are going to do. There will be no surprise, no entrapment, and no defrauding of anyone.

It is in accordance with the way the present occupant of the Chair has conducted himself throughout his public career. I applaud him for it, as well as for the great courage and honesty of his position.

Mr. ERVIN. Mr. President, if I understand the Chair correctly, the Chair, in the final analysis, bottoms his announced view of his proposed ruling in the ultimate analysis on the constitutional provision that says that a majority of each House of Congress shall constitute a quorum.

The VICE PRESIDENT. For the purpose of doing business.

Mr. ERVIN. Yes. Now the Chair stated that at the beginning of a session of Congress, a majority could change rules and anything that prevented them from doing so is not valid. Is that the essence of the Chair's ruling?

The VICE PRESIDENT. May the Chair state most respectfully to the Senator from North Carolina that the rules can be changed at any time by a majority.

Mr. ERVIN. That is exactly the point I was trying to make.

The VICE PRESIDENT. They may be changed at any time.

Mr. ERVIN. The power of the Senate is exactly the same every day it is in session, whether at the beginning of a

session, in the middle of a session, or at the last part of a session, is it not, under the Constitution?

The VICE PRESIDENT. Is the Senator asking for a ruling of the Chair?

Mr. ERVIN. That being true, the Senate is powerless, under the Constitution, to make any rule that a majority could not set aside any time during the session of the Senate and change it; is that not correct?

The VICE PRESIDENT. Is the Senator asking for the Chair's opinion?

As it stands now, the Senate has the right, by majority vote, to change its rules. However, the Chair must observe that the Senate also has a rule that says, under rule XXII, it will take a two-thirds vote to limit debate.

Mr. ERVIN. If this Senator understands the ruling of the Chair, the Chair has ruled, in effect, that the part of the rule is unconstitutional; is that not correct?

The VICE PRESIDENT. The Chair has had that matter placed before him not at his own volition. This is not exactly a pleasant experience for the Chair. He had this question placed before him by the Senator from Idaho. The Chair has examined it very carefully. The Chair has examined this question over the years and has tried to find what was the better way to pose this question to the Senate.

The Chair is of the opinion, and so intends to rule, that when this question comes up for decision, if there are less than two-thirds, but over a majority, of Senators present and voting, and they vote in the affirmative, the Chair intends to rule that the proceedings under the cloture provision of rule XXII apply. That is subject to an appeal, an appeal on the basis of the ruling of the Chair as to the constitutionality, and will be settled by the Senate itself.

Mr. ERVIN. Well, it seems to me—I do not know whether I understand the Chair's ruling—but it seems to me that the Chair's ruling is essentially based upon the theory that since a majority of the Senate constitutes a quorum, any rule which prevents a majority from acting at any time is unconstitutional. Is that not essentially the ruling of the Chair, at least the opinion of the Chair, in announcing what ruling he will make?

The VICE PRESIDENT. It is the opinion of the Chair, in light of the proposition or the motion posed by the Senator from Idaho relating to the two-thirds requirement in section 2 of rule XXII which carries over, unless it is challenged, that if that question is raised as to whether that is an unconstitutional provision, the Chair will rule that a majority has the right to decide it.

Mr. ERVIN. The Chair will rule, in effect, that the Chair will not enforce a rule as written by the Senate in that event?

The VICE PRESIDENT. The Chair will rule that a majority, or more, having cast their votes in the affirmative, at the beginning of a new Congress, when said new Congress has the right and obligation to set its rules, a majority will be sufficient to limit debate until the Senate establishes or amends its rules of procedure.

Mr. ERVIN. How can it do that if the power of Congress is exactly the same at the beginning of a session, in the middle of a session or at the end of a session? How can Congress establish rules under the Chair's ruling that will prevent a majority from doing what it wants at any time?

The VICE PRESIDENT. By the Senate itself making its own decisions. The Senate is the judge of its own rules.

Mr. ERVIN. The Senate has the same power each day it is in session.

The VICE PRESIDENT. No doubt about it.

Mr. ERVIN. The Congress, as I interpret the proposed ruling, does not have the power to establish a ruling requiring 60 percent to cut off debate which is binding on the majority.

The VICE PRESIDENT. That is one of the motions on the calendar.

Mr. ERVIN. Does not the ruling of the Chair hold it to be unconstitutional for the Senate to establish any rule requiring more than a bare majority to silence all Senators?

The VICE PRESIDENT. The Chair will observe that since the Chair is stating opinions, and does not particularly desire to debate, when the Senate finally decides on its rules, it can decide any kind of rules it wants, by majority vote. If done under section 2 of rule XXII, they can have it, but at the beginning of a new Congress, it is the view of the Chair that it has been the long-established precedent of this body that none of the rights of any Senator are to be denied or prejudiced in any way. The right of the Senate to limit debate on a change of its rules by majority vote is a constitutional question, and that question will be placed before this body.

Mr. ERVIN. I would be more enlightened if the Chair would tell me in what part of the Constitution there is any provision which says the Senate has that power at the beginning of a session, and not all through it.

The VICE PRESIDENT. The Chair believes that the inherent right of Congress to establish its rules of procedure is there, at the beginning.

Mr. ERVIN. If I understand the Chair correctly, the Chair is also going to rule that if an appeal is made from the Chair's ruling, in case a majority but not two-thirds vote for cloture, the Chair will hold that the appeal from the Chair must be decided without debate.

The VICE PRESIDENT. That is the rule as provided in rule XXII.

Mr. ERVIN. Yes. And under that rule how could the Vice President adjudge that a previous Congress can silence all the Senators of the 50 States and hold that none of them shall be permitted to say a mumbling word. If the Vice President is right in other respects, he would have to hold that particular rule as inconsistent with the Constitution. It not only silences a majority. It silences all.

The VICE PRESIDENT. The requirement, as the Chair understands it, is that if there was not any satisfaction in that procedure, there is always the right of a Senator to move to table.

Mr. ERVIN. That would be a decision by the Senate and that would be vastly different from the Chair ruling that a previous Senate cannot prevent a majority from acting, but can prevent all from acting.

Mr. President, I would like to have this placed in the RECORD. It is a statement made by one of the wisest liberals who ever sat in the Senate and one of the greatest constitutional lawyers this country has ever known; namely, our late, beloved friend, Senator Joe O'Mahoney.

I read his statement:

I am also utterly unable to understand how anybody can argue that the Vice President of the United States has any constitutional power to declare unconstitutional a rule which the Senate may make.

CONSTITUTION AUTHORIZES SENATE TO WRITE ITS OWN RULES

The Constitution is clear. It is very simple. Nobody can misunderstand it.

Section 5 of article I provides:

"Each House may determine the Rules of its Proceedings—"

That is all it says about making of the rules. The authority is granted to the Senate and to the House to make their rules and to no other branch or official of the Government.

The Senator from New York offers an amendment to the pending resolution offered by the leadership for both sides to make paragraph 2 of section 3 of the pending resolution read as follows:

"The rules of the Senate shall continue from one Congress to the next Congress unless they are changed."

The Senator from New York wants to strike out the words "as provided in these rules."

VICE PRESIDENT HAS NO AUTHORITY TO DECLARE RULES UNCONSTITUTIONAL

The Constitution of the United States, in the clause I have just read, gives to the Senate the right to write its rules. Who is it that has the right to prevent the Senate from writing its rules? It is said the Vice President has that right. I interrogated the Vice President a few days ago in an effort to discover upon what basis he claimed this authority. I have been unable to find such authority in the Constitution and he has been unable to hand it down.

Of course, he made the ruling in a previous Congress, say those who claim that the Vice President has the right to declare a rule of the Senate to be unconstitutional. But it is impossible to find constitutional support for such a provision.

THESE ARE CONSTITUTIONAL DUTIES OF VICE PRESIDENT

Who is the Vice President? His office was created by the Constitutional Convention when the Founders were creating the Presidency. It was set forth in the Constitution that in the electoral college, when the votes were counted, the man who had the second largest vote for the Presidency should become Vice President. That was changed, of course, when it was provided by amendment that nominations should be made for Vice President as well as for President. But in the section which creates the Vice Presidency we find a clause which prescribes his duty. This is paragraph 5 of section 1 of article II of the Constitution:

"In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

Having proceeded that far, the constitutional fathers, having found no duty for the Vice President to perform, decided they would make him President of the Senate. This is the only other clause of the Constitution I can find referring to the Vice President.

"The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided."

That means that he may enforce the rules the Senate makes for itself. He cannot alter them. He cannot hold them unconstitutional.

VICE PRESIDENT HAS NO POWER OVER MAKING OF RULES

I find no word or phrase or clause in this provision saying that "the Vice President may give advisory opinions to prevent the Senate from exercising its constitutional powers to make its rules."

Can anybody point out such powers? Can anybody point to any provision in the Constitution which gives the Vice President authority to render the decision the present Vice President did when he assumed the right to find some rule already made by the Senate to be unconstitutional?

The Constitution does not give that power to the Vice President. The Constitution gives to the Senate, and only the Senate, the power to make its rules. It does not say "shall"; it says "may." It does not say "why." Why was it the Constitution provided that each House may make its own rules?

According to the fundamental basis of the ruling which the Vice President has announced he proposes to make in a certain event, the Senate is totally without power to adopt any effective rule, which could prevent a majority of the Senate from doing anything it sees fit at any time. For all practical purposes, that theory nullifies the constitutional provision authorizing the Senate to determine rules for its own proceedings.

Mr. HOLLINGS. Mr. President, the only rule in issue is section 2 of rule XXII. Is that correct? What I am trying to do is distinguish exactly the proposed ruling.

The VICE PRESIDENT. Section 2.

Mr. HOLLINGS. Of rule XXII?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And none of the other rules are in issue?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. As a matter of fact, I think at the beginning of the session we adopted all of the rules save the discussion on rule XXII, so all the other rules are in force and effect as of this time?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And that means that all of them have been constitutionally adopted. Is that correct?

The VICE PRESIDENT. No opposition was raised.

Mr. HOLLINGS. And, therefore, they are considered to be constitutionally adopted?

The VICE PRESIDENT. May the Chair just state for a moment that when the majority leader indicated, in response to inquiry from Senators on rule XXII and the possibility of filing of resolutions to modify rule XXII, that none of the constitutional rights of any Senator relating to amending that rule would in any way be prejudiced by the fact that the Senate was conducting business, it was understood at that time that such other rules, unless they were openly contested, were passively accepted.

Mr. HOLLINGS. So they have been accepted and we do have a constitutionally adopted set of rules save the question of rule XXII. Is that the Presiding Officer's view?

The VICE PRESIDENT. That is the Presiding Officer's view, with this proviso: that no section of any other rule which the Senate itself may judge unconstitutional can prevail.

Mr. HOLLINGS. In so far as any of the other rules are concerned, no question has been raised, and they have been constitutionally adopted by the Senate?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. And we are to be guided by them?

The VICE PRESIDENT. That is correct.

Mr. HOLLINGS. They have been constitutionally adopted. They have also been adopted by the majority will of the Senate?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. HOLLINGS. So, with respect to all the rules save rule XXII, the Senate has, by its constitutional processes, exercised its will?

The VICE PRESIDENT. That is the view of the Chair. Of course, those rules are always subject to change by majority vote, and the majority has a right at the opening of a Congress to read and amend them.

Mr. HOLLINGS. The reason for the questions of the Senator from South Carolina is based on the tenor and temper of the Chair's ruling to the effect that somewhere, somehow—the Chair employed the expression of "dancing around the fire"—the Senate has been frustrated from exercising its will, and the Chair has only been trying to expedite the exercise of that will, and wishes to pinpoint this once and for all and permit the Senate to exercise its will.

The VICE PRESIDENT. That is the purpose of the Chair. The Chair may not be doing it well, but that is the purpose.

Mr. HOLLINGS. As far as the other rules are concerned, there is no "dancing around the fire," there is no question of constitutionality, and there is no question of the Senate's exercising its will, because the Senate has done that.

The VICE PRESIDENT. Unless a Senator raises the question.

Mr. HOLLINGS. And no Senator has raised the question.

The VICE PRESIDENT. Not thus far.

Mr. HOLLINGS. Rule XXXII, section 2, provides:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

That is the U.S. Senate, as the Chair has just stated, now exercising its free will constitutionally, because no question was raised about it.

The VICE PRESIDENT. The Chair will observe that Congress cannot exercise unconstitutional action constitutionally; and if a Senator challenges the constitutionality of an action, then the Senate must stand in judgment.

Mr. HOLLINGS. That is right. No question has been raised about rule XXXII, section 2, and as the Chair has stated, that rule has been adopted.

The VICE PRESIDENT. The Chair understands the line of inquiry the Senator is following. The Chair wants to make it explicitly clear that no action of the Senate, even though it may be a precedent, can be justified if it proves to be unconstitutional, any more than any law passed by the Congress, which may well have applied for many years, and is subsequently challenged in court and held to be unconstitutional.

Mr. HOLLINGS. I think the Senator from South Carolina and the Chair are in agreement on that; and therefore there is nothing unconstitutional about rule XXXII, section 2, is there?

The VICE PRESIDENT. The Senator from New Jersey raised a point, some moments ago, that at the time that rule was adopted, there were those who made it very clear from the floor that, despite the language of the rule, nothing in said rule which violates the Constitution can be declared constitutional simply because the Senate has adopted it.

Mr. HOLLINGS. But there is nothing the Senator from New Jersey has stated that has questioned the constitutionality of rule XXXII, section 2.

The VICE PRESIDENT. That is the understanding of the Chair. It would be better to inquire from the Senator from New Jersey as to that. It is the understanding of the Chair that the Senator does not feel there is any ruling of the Senate that would in any way inhibit the Senator from challenging the constitutionality of rule XXII.

Mr. HOLLINGS. Rule XXXII has been the free expression of the will of the Senate; is that the Presiding Officer's feeling?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLINGS. So we have not been frustrated with respect to amending our rules?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLINGS. So if we wanted to change the proportion, under our rules, to a simple majority, three-fourths, or any proportion whatsoever, the will of the Senate has not been frustrated; a way has been shown, has it not, in the rule itself, under section 2?

The VICE PRESIDENT. That is the Senator's interpretation.

Mr. HOLLINGS. And then, having shown the way, is not the question really, not whether or not the will of the Senate should be expressed, but which will? It is the contention, obviously, of the Senator from Idaho and others, that they want to change the two-thirds and make it a simple majority. Has not the Presiding Officer really amended the rules, in contradiction of rule XXXII, section 2, by the ruling he has made today?

The VICE PRESIDENT. The Chair has stated repeatedly, and will do it again, so that there will be no ambiguity, no uncertainty, and no misunderstanding of the Chair's intention, that the constitutional question is the validity of the rule XXII requirement for an affirmative vote by two-thirds of the Senate

before a majority of the Senate may exercise its right to consider a proposed change in the rules. If the Chair were to announce that the motion for cloture had not been agreed to because the affirmative vote had fallen short of the two-thirds required, the Chair would not only be violating one established principle by deciding the constitutional question himself, he would be violating the other established principle by inhibiting, if not effectively preventing, the Senate from exercising its right to decide the constitutional question. The Chair does not intend to violate both these principles.

It is the view of the Chair, just as it was the view of an earlier President of the Senate, that, at least at the opening of a new Congress, "the majority has the power to cut off debate in order to exercise the right of changing or determining the rules."

Therefore, the Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules and to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting but fewer than two-thirds, vote in favor of the pending motion for cloture, the Chair will announce that a majority having agreed to limit debate on Senate Resolution 11, to amend rule XXII at the opening of a new Congress, debate will proceed under the cloture provisions of that rule.

The Chair notes that its decision that debate will proceed under the cloture provisions of rule XXII is subject to an appeal if it is taken before any other business intervenes. The Chair would place the appeal before the Senate for an immediate vote since rule XXII provides that appeals from the decision of the Chair, under cloture procedure, shall be decided without debate.

The Chair has set forth this response to the inquiry of the Senator from Idaho so that all Members of the Senate will have adequate opportunity to acquaint themselves with it and calls attention to the fact that there is now time under the terms of the cloture procedure for the Senate to debate the implications of this response and consider its own reaction to the motion for cloture in the light of the Chair's announced course of action.

The Chair must say that he, too, is doing what he can to uphold the Constitution. That is his right, duty, and privilege. The Chair is interpreting his view as to what the Constitution requires. The Chair has that obligation. It is not spelled out in the statutes; it is implied in my constitutional responsibility; and, after long consideration and a great deal of controversy in my own mind, the Chair has come to the conclusion that, at the opening of a new Congress, a majority may limit debate for the purpose of arriving at a decision that the rule in question does not violate the Constitution, but in fact fulfills the constitutional requirement, and the Chair therefore has announced his intention to rule, so that the Senate may do as it is doing today, and debate the issue. The Chair would hope that he is being helpful and not injurious.

Mr. HOLLINGS. Certainly, Mr. President, this Senator does not question the integrity or the genuineness or propriety of the Chair's feeling as to his oath under the Constitution, or even as to the ambiguity under rule XXII. I am referring, if the Chair pleases, to rule XXXII. Does the Chair find any ambiguity under section 2 of rule XXXII?

The VICE PRESIDENT. The Chair does not.

Mr. HOLLINGS. Actually, then, since the Chair finds no ambiguity under that particular rule, which states very clearly, and very much in pursuance to a majority will of this body, showing the way, and saying in so many words that "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules," is it not a fact, then, that the Chair puts us on notice, because this is unusual, that we are now about to change the two-thirds requirement by a majority vote?

The VICE PRESIDENT. The Chair is presenting the question of the right of the Senate to adopt its own rules by a majority vote. If the Senate decides, in adopting the rules, that it wants a 75-percent vote, that is the Senate's privilege and prerogative. But the right to close debate so that the Senate can come to grips with the rules at the beginning of a new Congress until rules are adopted, or, when a rule is contested out of the body of rules that continue, the Chair will say that a majority will be adequate to limit the debate, the cloture proceedings shall be voted upon, and the Senate can work its wishes as it will, under a majority rule on the change of rules.

Mr. HOLLINGS. Certainly the Chair does not contend that I could raise a point that any rule, whatever it was, was unconstitutional, and thereby have it changed by a majority vote? The rules would have to be changed in the way the rules prescribe, is that not correct?

The VICE PRESIDENT. The Senator is correct. The point has been made that the two-thirds requirement of rule XXII is an unconstitutional limitation on the exercise of the constitutional rights and privileges of the Senate. This is a matter for the Senate to debate. The Chair will make his ruling.

Mr. HOLLINGS. But the real point is this: Taking any given rule, say rule XXII, I could not just stand on the floor of the Senate and get a majority vote on the right to amend it, could I?

The VICE PRESIDENT. The Senator certainly has a right to request a majority vote to change it.

Mr. HOLLINGS. At any time?

The VICE PRESIDENT. At any time.

Mr. HOLLINGS. That is not really what is provided in section 2, rule XXXII, because it does not provide that at all. The final rule XI provides:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Then rule XXII provides for a two-thirds vote on the cloture part.

The VICE PRESIDENT. If cloture has to be applied, the Chair notes. But a majority vote may change the rules under any procedure prescribed in those rules.

The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I take it that it is acknowledged without argument that the purpose of rule XXII, the historical purpose, was to limit debate in the Senate. It was agreed on and passed, finally, in 1917, as I recall, and it did put a sufficient limitation on debate, that has been changed somewhat from time to time.

But a primary provision of rule XXII is that the Senate can cut off debate by a two-thirds majority vote of those present.

With great deference, the Vice President has set forth to rule, that is, he has given advance notice that he is going to rule that this two-thirds provision for cutting off debate is invalid, in his opinion, and that he is going to make such a ruling as the Presiding Officer of the Senate.

The VICE PRESIDENT. In the opening of a new Congress.

Mr. STENNIS. Yes. Then the Chair goes back in that same statement to take up another provision in rule XXII that is also designed to cut off debate, and he says in the same breath that that part of the rule is valid. That is the part that says from the points of order, including questions of relevancy and appeals decision of the Presiding Officer shall be decided without debate.

With great deference to the Chair, I pose the question, Why is one limitation on debate in rule XXII, on the same day of the session, declared unconstitutional, and the other limitation on debate, which is more severe, declared valid?

The VICE PRESIDENT. The Senator poses a worthwhile and fortuitous question, because the Presiding Officer says that in both instances a majority shall prevail. A majority can overrule an appeal or sustain an appeal. A majority can decide whether they are going to cut off debate or not. That is the view of the Chair. That was also the view of the Chair in the preceding Congress.

Mr. STENNIS. With great deference to the Chair's position and to the Chair himself, I submit that that answer does not really deal with the vitals of my question.

All of these provisions are in rule XXII, and it is all at the so-called beginning of a new Congress or a new session of Congress.

One provision is unpopular and not liked by segments of this body, and if the first part should be sustained, the second really cuts the vitals out of debate on the floor of the Senate.

Why is one part so iniquitous and so vile as to be unconstitutional, while the other is sacred and valid and must be preserved and enforced? They both relate to the same subject; they were both passed, I think, in the form that is presented here; they both deal with the same great question of the nature of the Senate.

Would the Vice President, the President of the Senate, answer that question for me?

The VICE PRESIDENT. It is the opinion of the Chair that in the opening of a new Congress, a majority of the Senate may, under the proceedings of rule XXII, prevail, because the constitutional provision, insofar as we have it, provides for majority rule and provides that the Senate may make its own rules of procedure.

The Chair believes that this is a constitutional question. That is why the Chair framed his response in a manner that tests or at least brings into question the constitutionality of the two-thirds requirement of rule XXII to limit debate.

The Chair has said he can well understand that an appeal will be made from that ruling, and the matter of appeal is a constitutional question which must be decided by the Senate.

Under rule XXII, as with other rules that are tacitly accepted until such point when a constitutional question is raised, the Chair would place the question before the Senate for an immediate vote. The Chair must say that that procedure might not be followed; it could be followed by some tortuous route by debate on the appeal, and some Senator must appeal. But it seemed to the Chair that to come to the issue and have the Chair state his opinion 2 days in advance would elicit the responses we have heard today. I think they are very helpful to the Members of the Senate.

Mr. STENNIS. Again, with all deference, I believe that my question went not so much to the very vitals, or even to the correctness, of the first part of the Vice President's ruling, but to the contrast between the two provisions of the rule, and the fact that the Vice President ruled one way as to one clause and directly the other way as to the other clause.

What I am troubled about is that the Chair has cut out one part and has left the other one binding on this body. That is not fair. It is not right. I submit that the Chair has no such authority anywhere, either in the Constitution or the Rules, or anywhere else, to do that to this body. The Chair is dealing with the Senate, not with individuals. He is dealing with representatives of the States. I submit that the Chair has no right, no valid reason, to do what his ruling will do. There is no way to remedy the mischief that could come from such a ruling except to have the Chair reconsider this matter and re-weigh it in his mind, to see if he is not driven by the parliamentary logic of the situation we are in to a different conclusion.

I know that this is a matter of an issue before the country, and even of individual Senators; but the Senate is more than all of us put together. I submit that the Senate deserves more consideration than merely a little debate this afternoon, a little tomorrow, and then a ruling that can blow the light out of this institution—and it is an institution over any other agency of Government, under our great system.

I believe that that is what will happen should a majority of this body happen to sustain the Vice President. We will be forced to do that or decide it without any debate, under this section of rule XXII, which provides that there shall be no debate on appeals from rulings of the Chair. How intolerable that can be is illustrated by this very case.

I believe that those who oppose rule XXII, and any other rules that have been rewritten, if they could have conceived of this situation, would have added a clause, after the phrase "shall be decided without debate, unless the Presiding Officer should, by a ruling, declare that other parts of the rule are invalid."

Then appeals could be taken and decided, but with debate. Now we are cut off. There is no hope and no help, should a bare majority of this body decide with the Chair. That will be the end.

It has been a long time since I went to the law books regularly, but there is a fundamental principle of constitutional law which is that if a court decides that any substantial part of a statute is unconstitutional, the whole statute has to fall, unless the parts are separable. Every lawyer knows that that is a fundamental principle of jurisprudence. If a court is going to declare anything invalid, the whole of it has to go, unless the parts are separable.

How can these two provisions of rule XXII be separated? Here is one that cuts off debate, under certain conditions, by a two-thirds vote. The other cuts off debate by saying there will be no appeal—not any—from a ruling of the Presiding Officer.

So if the Vice President is right as to the two-thirds clause in rule XXII, the whole rule goes with his ruling. The whole thing will be knocked out, lock, stock, and barrel, because that will be the result if the proponents of the motion are successful in the vote. It carries both with it. Either leave both or take both out in the ruling. After this ruling is made, there will not be a chance for anything else to be said as to the weight or the impact of that vote by any Member of the Senate, by any other interested parties, any other agency of the Government, or by the people—not a chance.

Appeals decided without debate—God save us from the day. I do not say God save us from change. We must have change. God save us from the day when an ax can be brought in here to cut out part of that rule and take the rest of that rule to crucify the great principle upon which this institution rests. If we are going to change it, let us change it some other way, rather than by this sudden death.

I think the Jets, the football team from New York, are pikers compared with whoever worked out this ruling. I mean the plan to ask for a ruling and have something cut off.

I submit to the Vice President, with all earnestness, with great sincerity, that this has brought about a situation that deserves his reconsideration, and I hope he will do that. I believe he should take counsel on this matter with more than he has counseled with beforehand. That is no reflection on the Vice President. We all need counsel.

I believe we are playing with the life and death of the Senate of the United States; and if it is going to be killed in its present form as an institution, the people should have something to do with it and the present membership should have a little longer than the Vice President's interpretation of rule XXII.

I thank the Senator for yielding.

Mr. HOLLAND. Mr. President, I wish to thank the distinguished Vice President for stating frankly his intention to rule in view of certain possibilities as to the outcome of the vote the day after tomorrow. In that respect he has been frank; in that respect he has put the Senate on notice; and I thank him for having done so.

I have been reflecting a bit during this talk about the whole question, Mr. President; and if the Chair will be patient with me for some 10 minutes, I shall be glad to review the entire question, if I may.

Prior to 1917, there was no limitation on debate in the Senate. The Senate could debate at any length it saw fit. There was no rule of materiality. There had been abuse of the rules of unlimited debate. Therefore, in 1917, Senators decided to afford a piece of machinery under which debate could be brought to an end, and rule XXII was devised by some of the best minds in the Senate; and it was adopted as a rule under which there could be an end or a closing of debate that otherwise would have been unlimited. It was a rule for limitation, not a rule for unlimited debate.

The Senator from Florida has always regarded it in that light and has always regarded it as a two-edged sword which could, in a proper instance, be used to shut off debate when Senators thought that debate had proceeded long enough and that to proceed longer would be abuse. And it could be used to prevent a vote, if the rule was unused, by failure to get a two-thirds vote, in which case the more than one-third of the Senate would have voted, in effect, that the question was of such grave importance and the passage of the legislation, or whatever was pending, was of such grave potentialities that they were unwilling to see it go to a vote.

Mr. President, it was a rule for limitation of debate, and has been so used. It has been resorted to a number of times, either in the original form or in the slightly changed form. It has been changed twice since I have been a Member of the Senate. I shall not discuss those changes, but both changes have made more liberal the opportunity to close debate.

It has been resorted to 43 times in the history of the Senate since 1917. Eight times cloture has been voted. In two of those eight times, the Senator from Florida was among those who voted to close debate.

The Senator from Florida regards this rule as two-edged sword, as he has already described it. But he desires to call the attention of the distinguished Vice President clearly to one fact: Never has any rule of cloture been adopted by the Senate which permits cloture by majority vote only. The effect of the ruling which the Vice President has said he proposes to make would be to adopt a majority closing rule for the beginning of each Congress, in the effort of the Senate to change not just rule XXII but also any other rule that it wished to

change. It is against such a precedent that the Senator from Florida has the deepest kind of reservations and a feeling that it would be largely destructive of the stable quality of the Senate which has prevailed during the 180 years of the Senate's experience.

The Senator from Florida calls attention to the fact that if the Vice President struck out the two-thirds part of this rule but permitted the Senators who have advanced the petition to proceed under the rule as they have, permitted the limitation of debate to be fixed under the rule as he has indicated—that is, so that the vote would be held on the day after tomorrow, at a fixed hour—permitted the cloture to be effected by a simple majority vote instead of the two-thirds vote, permitted the limitation of the rights of speech of all Members of the Senate from that time on, as is provided by the rule—in other words, adopted the rule in toto except as to the two-thirds provision—the Vice President, by his ruling, would have created a rule not adopted by the Senate and many times considered by the Senate.

That is the point I particularly desire to make now. The Senate has not been without opportunity to adopt a majority rule and other suggestions for a requirement less than two-thirds—including the one now pending for three-fifths. The Senate has steadfastly declined to adopt any of those suggestions, and has insisted that the two-thirds requirement, as written into the Constitution to cover some 11 cases of grave importance, as viewed either by the Founding Fathers or by the States when they adopted amendments, be a test for cloture.

The thing the Senator from Florida wishes to call seriously and gravely to the attention of the distinguished Presiding Officer is this. His ruling would, in effect, rewrite this rule as applicable to this occasion and every one like it at the beginning of every Congress so that instead of reading two-thirds as the requirement for effecting cloture, it would read a simple majority vote.

I call to the attention of the distinguished Vice President that the Senate has had that proposal submitted to it, at least in the 22 years I have been a Member of the Senate, not once but many, many times and it has rejected that proposal every time.

The Senator from Florida cannot help but agree with his friend, the Senator from Mississippi, that if the two-thirds requirement is cut out and the simple majority vote made the requirement, the Chair would be creating a new rule. Mr. President, you are enforcing a new rule as a rule of the Senate, because you are calling upon all the other features in the rule and applying it as a rule of cloture, despite the fact the Senate has not once but repeatedly refused to adopt such a rule.

I call the attention of the distinguished Presiding Officer to that fact because I think he is a man of conscience and I think he will realize as he thinks through this matter again through the long hours of the night—and I hope he will—that to adopt the course he has suggested he will follow would be to rule the Senate under a rule it has never passed but declined to pass; and by his own act to interpret a Senate rule so as to cut out one of the most important portions of it, and yet consider the rule as hanging together as to its other features and still constituting a cloture rule.

There has been no cloture rule in the Senate except rule XXII as now written and as it has developed from the original rule XXII as developed in 1917. That is the only rule of cloture. Without that rule there is no chance of obtaining cloture unless that rule be brought in and worked under.

The distinguished Presiding Officer, by his intention to strike out of the rule the requirement so frequently reiterated by the Senate, that is, two-thirds, and to write in the provision of a simple majority, as he indicated, would create a new cloture rule available at that time, never passed by the Senate, never agreed to by the Senate, which is not now on the books and, in fact, a very great departure from what is on the books.

The Senator from Florida simply wanted to make this point clear for the RECORD, because he believes it to be true. He has given a great deal of study to this particular rule. He has on occasion voted to liberalize it and voted to liberalize it in some features.

The RECORD shows that nearly 20 years ago I preferred to include a feature to allow a majority to vote on matters affecting the defense of the Nation. That is shown in the RECORD. I have voted twice for cloture where I thought it was deserved, but I do not believe in rewriting the rules of the Senate simply to meet the convenience of Senators who want to make a change and feel in their own good consciences that the change should be made. That is what the Presiding Officer would do if he were to strike out the two-thirds requirement and insert in place thereof a mere majority requirement. If the Presiding Officer does that, I want him to realize he does it in the face of the fact that the Senate has many, many times considered just that proposal and every time has declined to adopt it.

In my judgment it is not sound for the Vice President to make a new rule for the Senate simply because he, in his own judgment, thinks the result would be beneficient.

I shall say no more at this time, but reserve the right to say more in the future. In closing I do wish to say I think the Vice President is to be complimented for stating frankly what he proposes to do, and for that one thing, in connection with what he said, I compliment him. I realize I disagree with him completely and wholly as to the substance of what he proposes to do.

I thank the Senator for yielding.

Mr. PEARSON addressed the Chair.

The VICE PRESIDENT. If the Senator will indulge the Chair just a moment, I wish to say that I deeply appreciate the compliment of the Senator from Florida, for whom I have very sincere admiration.

The Chair is not seeking to rewrite the rules of the Senate; that is for the Senate to do. The Chair is seeking to omit the framing of the constitutional question as to whether or not a majority of the Senate has the right at the beginning of each new Congress to write or amend the rules.

Mr. HOLLAND. I know what the Vice President is seeking to do, but I call his attention to the fact that he is doing it through the use of a rule which was not intended to do anything of the sort. He intends to do it now through the use of a rule and, indeed, the Senate not once but many times—and the Vice President knows I am speaking the truth—declined to write a cloture rule along the lines he wishes to interpret for this occasion.

Mr. PEARSON. Mr. President, for the RECORD, I think I might be helpful. Everyone knows why we are here. To briefly review the matter, a resolution was submitted to change the rule and unanimous consent was sought to take it up at that time. It laid over, written notice was filed, and today we are debating whether or not we are going to take up the resolution to amend rule XXII.

I want to indicate my own concern about proceeding through the mechanics of rule XXII, and questioning some of its provisions. However, what was the alternative? Could any Senator merely stand up at any stage of the proceedings and say, "Mr. President, I move to debate first on the motion to take up the resolution."

I am told by those who are better students of the RECORD than I that 2 years ago that procedure was followed and we got into an enormous hassle about what rule we were proceeding under and Senators were asked under what authority did they make the motion.

Mr. President, that was the alternative to proceeding under rule XXII. That point should be considered by those who make the argument for the continuing body. To proceed under rule XXII does give us the mechanics.

Then, there is questioned under the Constitution one part of that rule. I have heard a great deal of debate, and I have not been here so long that I have gotten over the feeling of sacredness of the Senate rules. What we are measuring against here is article I, section 5, of the Constitution. Therefore, I think those who raise the question about proceeding under rule XXII negating part of it, when that is measured against the Constitution and using the mechanics, together with the very gracious opinions given by the Presiding Officer of this body, it gives us the fairest chance of proceeding in this matter.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly, so that I may make a unanimous-consent request?

Mr. PEARSON. I yield.

MINORITY PARTY'S MEMBERSHIP ON COMMITTEES

Mr. SCOTT. Mr. President, I send to the desk a resolution providing that the Senators named therein shall constitute the minority party membership of the standing committees of the Senate for the 91st Congress, and ask that the resolution be stated.

The legislative clerk read the resolution (S. Res. 15), as follows:

S. RES. 15

Resolved, That the following shall constitute the minority party's membership on the standing committees of the Senate for the Ninety-first Congress:

COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES: Mrs. Smith, Mr. Curtis, Mr. Hatfield, Mr. Goldwater, Mr. Mathias, and Mr. Saxbe.

COMMITTEE ON AGRICULTURE AND FORESTRY: Mr. Aiken, Mr. Young of North Dakota, Mr. Miller, Mr. Curtis, Mr. Cook, and Mr. Dole.

COMMITTEE ON APPROPRIATIONS: Mr. Young of North Dakota, Mr. Mundt, Mrs. Smith, Mr. Hruska, Mr. Allott, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, and Mr. Pearson.

COMMITTEE ON ARMED SERVICES: Mrs. Smith, Mr. Thurmond, Mr. Tower, Mr. Dominick, Mr. Murphy, Mr. Brooke, Mr. Goldwater, and Mr. Schweiker.

COMMITTEE ON BANKING AND CURRENCY: Mr. Bennett, Mr. Tower, Mr. Brooke, Mr. Percy, Mr. Goodell, and Mr. Packwood.

COMMITTEE ON COMMERCE: Mr. Cotton, Mr. Scott, Mr. Prouty, Mr. Pearson, Mr. Griffin, Mr. Hansen, Mr. Baker, and Mr. Goodell.

COMMITTEE ON THE DISTRICT OF COLUMBIA: Mr. Prouty, Mr. Goodell, and Mr. Mathias.

COMMITTEE ON FINANCE: Mr. Williams of Delaware, Mr. Bennett, Mr. Curtis, Mr. Dirksen, Mr. Miller, Mr. Jordan of Idaho, and Mr. Fannin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Aiken, Mr. Mundt, Mr. Case, Mr. Cooper, Mr. Williams of Delaware, and Mr. Javits.

COMMITTEE ON GOVERNMENT OPERATIONS: Mr. Mundt, Mr. Javits, Mr. Percy, Mr. Griffin, Mr. Stevens, and Mr. Gurney.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS: Mr. Allott, Mr. Jordan of Idaho, Mr. Fannin, Mr. Hansen, Mr. Hatfield, Mr. Stevens, and Mr. Bellmon.

COMMITTEE ON THE JUDICIARY: Mr. Dirksen, Mr. Hruska, Mr. Fong, Mr. Scott, Mr. Thurmond, Mr. Cook, and Mr. Mathias.

COMMITTEE ON LABOR AND PUBLIC WELFARE: Mr. Javits, Mr. Prouty, Mr. Dominick, Mr. Murphy, Mr. Schweiker, Mr. Bellmon, and Mr. Saxbe.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE: Mr. Fong, Mr. Boggs, Mr. Fannin, Mr. Stevens, and Mr. Bellmon.

COMMITTEE ON PUBLIC WORKS: Mr. Cooper, Mr. Boggs, Mr. Baker, Mr. Dole, Mr. Gurney, and Mr. Packwood.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Curtis, Mr. Cooper, Mr. Scott, and Mr. Thurmond.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend rule XXII of the Standing Rules of the Senate.

Mr. ERVIN. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I am glad to yield the floor, but I am glad to yield now to the Senator from North Carolina.

Mr. ERVIN. I want to ask the Senator this question: If the Vice President rules in accordance with his announced purpose in the eventuality already described, that a majority of the Senate can proceed to write a new rule in lieu of rule XXII, would not the Vice President necessarily have to be ruling that rule XXII, with the two-thirds requirement, is unconstitutional?

Mr. PEARSON. I do not quite understand the Senator's question, but I think the answer is in the affirmative. I rely upon the Constitution.

Mr. ERVIN. Yes.

Mr. PEARSON. And the article and section I previously cited.

Mr. ERVIN. That is right.

Mr. PEARSON. That each House of Congress can make its own rules and that a majority shall constitute a quorum in order to do business.

Mr. ERVIN. The two-thirds requirement in rule XXII is certainly valid unless it conflicts with the Constitution; is that not correct?

Mr. PEARSON. I think that is true.

Mr. ERVIN. That is the basis on which the Vice President stated how he would rule in the eventuality mentioned by him.

Mr. PEARSON. I so understand.

Mr. ERVIN. Does not the Senator recognize it is a fundamental principle of constitutional interpretation that where one part of a statute is judged to be unconstitutional—the remainder of the statute must fall, too, unless it can be said that the legislative body would have passed the remainder without the part judged to be unconstitutional?

Mr. PEARSON. I think the Senator is correct The Senator from Mississippi and I went to the same law school. I think he correctly stated the rule of law, unless there is severability. I think the question of severability is proper and can be decided and a Senator may make a point of order after the Vice President rules on Thursday next.

Mr. ERVIN. Does the Senator entertain any belief that the Senate would have passed rule XXII, or any parts of it, except as a whole? In other words, does the Senator believe that the Senate would have been willing to deprive Senators of the right to speak at length on a proposal unless a two-thirds majority of its Members voted for cloture, as set forth in the first provision?

Mr. PEARSON. I apologize to the Senator. Would he kindly restate his question.

Mr. ERVIN. There are essentially two provisions in rule XXII. One is the provision which says two-thirds of the Senate can impose cloture——

Mr. PEARSON. And the other is procedure.

Mr. ERVIN. The other puts a drastic limitation on the right of a Senator to speak after cloture is imposed.

Mr. PEARSON. One hour per Senator.

Mr. ERVIN. Does not the Senator from Kansas agree with the Senator from North Carolina that it is inconceivable the Senate would have adopted one of these provisions without the other, and that if the first, the two-thirds requirement, is invalid, then the other limitation falls likewise?

Mr. PEARSON. Not necessarily. That is to say, I disagree with the Senator. I think they can adopt one part and not the other.

Mr. ERVIN. Does the Senator believe the Senate would have adopted the limitation on debate without adopting the two-thirds vote requirement?

Mr. PEARSON. Every Senator will agree with me that is precisely what we seek to do, and that is to change the provision for two-thirds to three-fifths in rule XXII as now written.

Mr. ERVIN. Exactly. Does the Senator believe that the Senate would ever have adopted these two provisions in a rule without adopting them both?

Mr. PEARSON. I am inclined to disagree with the Senator from North Carolina.

Mr. ERVIN. The Senator thinks, then, that the Senate would have adopted the second part without the first?

Mr. PEARSON. We are speculating. I can only say that it would be my judgment, or guess, that they would have, perhaps.

Mr. ERVIN. What will be the Senator's position, in case the Vice President makes the ruling that the two-thirds provision is unconstitutional? Despite his disclaimer, that is exactly what the Vice President will be doing if he makes his announced ruling.

Mr. PEARSON. I shall adhere to the interpretation of the Constitution.

Mr. ERVIN. But the Vice President will be passing on the Constitution. If there is no appeal from his ruling, it will be binding upon the Senate. Thus, he will be saying the two-thirds vote requirement is unconstitutional. Does the Senator agree with the Vice President that if his ruling is upheld, the rest of us cannot talk but 1 hour on this matter?

Mr. PEARSON. I think that is what the rule provides. I am sure that the Senator would want the Senate to proceed under the rules. That is the first point I sought to develop when I rose to speak; namely, that here we are debating as to whether we will take up a resolution. How shall we stop debate? For one might be saying, "I move we stop debate." There is no such rule. We have tried that route.

Mr. ERVIN. Then why do we vote on cloture at all? Why not just let a majority vote on whether they will silence us from discussing the rule change the Senator proposes? In my judgment, I do not think the Senate would ever have adopted one of these provisions without the other. Yet the Vice President's ruling ould nullify the first but enforce the second. In other words, the Vice President's ruling would say that, notwithstanding the Senate has said only two-thirds can silence a minority, "I will silence the whole minority in the manner provided in this rule in the event any Senator appeals from my ruling."

Mr. PEARSON. Will the Senator yield for a question on my part?

Mr. ERVIN. I yield.

Mr. PEARSON. What is his interpretation as to the applicability of the Constitution of the United States in relation to the Senate's making its own rules, and the provision that a majority shall constitute a quorum in order to do business. What application does that have, if it does not apply to this case today, at this time, during the opening days of Congress?

Mr. ERVIN. That is no difference whatever between the opening and closing days of the session in respect to the constitutional power of the Senate. What the majority can do at the beginning of a session it can do any time during

the session. Therefore, I am mentally incapable of comprehending why the Vice President keeps talking about the beginning of a Congress. My position in this——

Mr. PEARSON. The relation of opening day is that the opening day is the proper time for the making of rules for the conduct of a Congress which will proceed for 2 years.

Mr. ERVIN. The Constitution does not say that. It does not even say that the Senate must make rules. It says the Senate may—not shall—determine the rules of its proceedings. Hence, the Senate can operate without rules. If the Vice President's interpretation is correct, the Senate will have no rules, for any practical purposes. I will answer the Senator's question: Congress has exactly the same power under the Constitution on the last day of the session that it has on the first day of the session.

Anything that would handicap the Senate from taking action on the first day of the session would handicap it from taking action on the last day of the session.

Under the Constitution, the Senate is a continuing body. The Supreme Court has held that it is. This is indisputably plain because two-thirds of the Senators remain in office all the time. The Constitution says the Senate may make rules. It places no limitation on what these rules shall be. A continuing body must have continuing rules.

The Senate itself declared, a few years ago, the last time we revised this rule, that the Senate is a continuing body and that its rules continue until changed as provided in those rules.

So I think rule XXII is binding on the Senate until it is changed as provided in the rules. As I see it, it is inconceivable that any legislative body can be a continuing body and not have power to establish continuing rules. So that is my answer to the question.

Mr. PEARSON. The Senator was good enough to answer my question, but did he cover the provision of providing that a majority shall constitute a quorum to do business?

Mr. ERVIN. The Constitution says that a majority shall constitute a quorum. It also says the Senate can adopt rules. The majority of the Senate has the same constitutional power on all occasions. Hence, there is no basis for the theory that a majority can change rules only at the beginning of a Congress. It has the same power throughout a session. If the rules adopted are not binding at the beginning of a Congress, the Senate cannot have any effective rules binding on a majority at any time.

Mr. PEARSON. Does the Senator feel that article I, section 5 of the Constitution, and rule XXII, which provides a two-thirds vote to cease debate, and formulating rules at the beginning of the Congress to be inconsistent?

Mr. ERVIN. Not at all, because, under the Constitution, the Senate is a continuing body. If it is a continuing body, it can have continuing rules. If it were not a continuing body, it would be like the House; it would have to adopt new rules at the beginning of each Congress. I see no incompatibility. If the two-thirds provision of rule XXII is unconstitutional, then the rule that requires two-thirds to suspend the rules and many other rules of the Senate which impede immediate action in any respect on the part of the majority are likewise unconstitutional.

Mr. PEARSON. I thank the Senator.

Mr. ERVIN. I thank the Senator.

Mr. BYRD of Virginia. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, may I ask the distinguished Vice President whether his contemplated ruling and the procedures to be followed after he rules are in conformity with the same Vice President of the United States' ruling and procedures of 4 years ago?

The VICE PRESIDENT. The Chair cannot recall the exact matters of 4 years ago, but may the Chair say that the Chair feels no sense of being bound whatsoever by any observations he may have made 4 years ago as to debate, because it is perfectly obvious that, as people are enlightened and as they see developments, they have the opportunity to change and to change their minds. The Chair is not at all mindful of just exactly the statement the Chair may have made 4 years ago. The Chair does feel, however—and this is as good a time as any to say it—that this intention of ruling with advance notice is arrived at without any consideration of any political issues, but, rather, of the procedures of this body.

The Presiding Officer of this body will soon be leaving this Chair, and he felt it was time for the Senate to decide this constitutional question. We have danced around it. We have come close to it. We have never come to it. It appears to the Chair we can decide it and will decide the most fundamental issue, which is a constitutional issue, in the only way it can be decided, by majority vote. All constitutional issues are decided by majority vote.

Mr. BYRD of Virginia. It is accurate to say, then, Mr. Vice President, that the contemplated ruling and contemplated procedures which will be followed differ substantially from the ruling of the same Vice President 4 years ago?

The VICE PRESIDENT. The Chair doubts it. The Chair will refresh his memory. But even if they were in total contradiction, this is the view of the Chair, after mature and extended consideration and thought, with due respect to the procedures of this body, which I honor with all that is in my body and spirit.

Mr. BYRD of Virginia. The Senator from Virginia recognizes the desirability of changing positions from time to time. So the Senator from Virginia is not arguing that point.

The Senator from Virginia wants to get clear in his mind, however, whether such a ruling and such a procedure as is contemplated to take place the day after tomorrow is in conformity with or substantially differs from the ruling and the procedure made by the Chair 4 years ago.

The VICE PRESIDENT. The Chair has always said, both as a Senator and as Vice President, that issues of constitutionality are to be decided by the Senate. The Chair has always been of the mind that certain provisions of rule XXII, if applied, at the beginning of a new Congress, are subject to the question of constitutionality. That is the question before this body. On whether the procedures today are the same, the Chair does not have a very definite recollection; but the purpose of the procedure being outlined by the Chair today is simplicity, to get at the central question, and not to have half a dozen motions that skirt the issue. A year ago the Chair laid down a procedure which included a point of order, a tabling motion, in an effort to seek a way of arriving at whether or not the Senate was passing judgment on the constitutionality of certain provisions of rule XXII. It was very confusing. The press did not understand it. I doubt that the Senate understood it. This time the procedure is to be simplified.

Mr. BYRD of Virginia. May I address another inquiry to the Chair? Is not the basic difference that in the past, under the ruling of the present Vice President, and under the ruling of the previous Vice President, the distinguished President of the United States, the Members of the Senate had the right of full debate on the constitutional issue or ruling propounded by the Chair?

The VICE PRESIDENT. It would be the Chair's view that debate was more extended; but there is no secret as to what this question is about.

Mr. BYRD of Virginia. It is a constitutional issue, as the Chair so construes it; but under the procedure outlined by the Chair, debate will be cut off.

The Senate, in effect, will be gagged.

The membership will have no opportunity for a full debate and a full discussion of the Chair's ruling. That is my main area of disagreement.

I feel the Chair is entitled to rule as he feels best, but I think it is very unfortunate that the Chair has ruled in such a way that the Members of the Senate do not and will not have an opportunity to debate a vital constitutional question, but, instead, will be gagged—that is the word the Senator from Georgia used, and I think it is an accurate word—and Senators will be prevented from discussing at any reasonable length this great question.

The first limitation put on debate was in 1917. I might say, Mr. President, that that limitation was presented to the Senate by one of my predecessors in this position.

He was the then distinguished senior Senator from Virginia, Thomas S. Martin. He was majority leader of the Senate, and he was chairman of the Appropriations Committee.

At the request of the President of the United States, Woodrow Wilson, he presented to the Senate a rule under which the Senate could call off debate if two-thirds of its Members felt it necessary to do so. Prior to that time, there was no debate limitation. So the rule offered by the distinguished then Senator from Virginia, Thomas S. Martin, was for the purpose of giving the Senate a way to bring an issue to a vote.

All of us know that in the last few years the Senate has voted cloture when it deemed it necessary. But I submit, Mr. President, that the power which the Presiding Officer has taken unto himself, by the method which he proposes to use next Thursday, will set a very dangerous precedent.

The distinguished Vice President is a great patriot. He has served in this body with great distinction. He has served in the position he now holds with great distinction.

But I am frank to say that I do not want any Vice President, whether it be HUBERT HUMPHREY or SPIRO AGNEW, whether he be a Republican or a Democrat, to have the power to manipulate these rules.

I submit that the way this is being done, the way the Vice President proposes to do it on Thursday, is a manipulation of the rules, and manipulation in a way which will deny to the individual Members of the Senate the right to full debate on a vital question.

As I see it, the matter of adhering to the rules is a vital matter. Certain groups who are in the majority today could be in the minority tomorrow or next week, or next year; and by the same token, there are those who are in the minority today who could be in the majority later.

So I think it is most important that we adhere fairly and squarely and fully to the rules.

I say again, I deeply regret that the distinguished Vice President has seen fit to indicate that he will rule day after tomorrow in a way which will make it impossible for the Members of the Senate to have full debate on a very vital question concerning all the Senators, and I think concerning all the people, whether they realize it or not, because it is a complicated procedure. I think it is of vital importance to the people of the United States.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. First, I compliment and congratulate the distinguished Senator from Virginia for what he has just said. Second, I remind him that if cloture be voted by a single vote, so that it will be upheld by the Presiding Officer if he adheres to his present announced intention, and if the appeal from the ruling which must be voted on immediately after that should be lost by a single vote, those of us who feel deeply, as do the Senator from Virginia and myself, on this subject, will each have an hour to speak before the vote on the motion to take up will come.

That will run over the matter of the vote on the motion to take up until perhaps late Saturday, or maybe into the new administration. My own feeling is that, looking behind the screen a little, I think I can see an intention here to throw this whole subject into discussion in the opening days of the new administration, and I simply wanted that statement to appear in the RECORD tonight, because I see no other course that will be open.

I am sure that Senators will want to speak their hour out on the motion to take up. The Senator from Florida, I am sure, will. I am sure that his friend from Virginia, his friend from North Carolina, and many other Senators will, and it looks to me as though this whole thing, now, is a deliberate attempt to throw this particular matter over into the opening days of the new administration, for discussion then. I hope that the Senator will gird his loins, as the Senator from Florida proposes to do.

Mr. BYRD of Virginia. I thank the distinguished Senator from Florida. Of course, I do not know what the attempt or the reason is, but I do believe that if we proceed as it is indicated we will proceed, and if the Senate should sustain the views of the Chair, then it occurs to me that we might as well not have any rules in the Senate, and there will be somewhat of a problem around here.

The VICE PRESIDENT. The Senator from Michigan is recognized.

Mr. HART. Mr. President, as we approach the close for tonight, I rise to express a point of view apparently not universally shared on this floor in the last hour, but which feeling I entertain with as deep conviction as those who have been critical of the announced intention of the Chair. I rise to thank our Vice President, the President of the Senate, for attempting to permit the Senate, as he puts it, to come to grips with this central question. The Senator from Idaho and the Senator from Kansas earlier expressed themselves, as did the senior Senator from New York.

As I understand it, Mr. President, the Chair is indicating that when a new Congress assembles, there is a constitutional right of the Members of the Senate, as now composed, by majority action, to establish its rules.

The question has been raised with respect to that aspect of rule XXII that would require two-thirds of the Members present and voting to terminate debate on a question, and to bring the issue to a vote. It is the judgment of the Chair, as of now, that if a majority, on the day after tomorrow, should vote to close debate, constitutionally, that majority's decision will be acknowledged by the Chair, and respected and enforced; and that all rules and any rule which would inhibit that action by the majority at the beginning of a Congress are not applicable. Is my understanding correct?

The VICE PRESIDENT. The Chair, applying the question to that section of rule XXII which has raised the question as to the constitutionality of the two-thirds provision, will state that it is the considered judgment of the Chair that, at the opening of a new Congress, a majority shall have the right and the power to establish its rules and limit debate on that question.

Once those rules are established by that majority, then the Senate operates under those rules. As to those rules that are not contested, they are by their use accepted. This question is not presented for the purpose of the Chair taking this firm, intended action; it is to precipitate the issue in order that the Senate may come to grips with a constitutional question around which it has debated many years, but has never resolved. The appeal procedure is designed not to put this debate over into the next Vice Presidency but, to the contrary, to settle it in this one; in other words, to expedite the proceedings and the appeal by the Senate, so that the Senate may decide whether to overrule the Chair or to sustain the Chair.

The same Congress that by a majority can declare war can by a majority vote either sustain or overrule a decision of the Chair. The Senate is not denied its right to exercise its power. The Presiding Officer merely sets in motion the machinery and the mechanism that expedites the Senate in its decisionmaking. That is the real purpose of the Chair's ruling.

Mr. HART. It is my understanding that at this point, under the present circumstances, the Chair takes the position that any rule which would inhibit or prevent a majority from acting is not applicable.

The VICE PRESIDENT. That is the view of the Chair.

Mr. HART. Again, I think that while there continue to be deep divisions in the Senate, history's verdict of the Chair's effort to permit a majority of the Senate of the 91st Congress to resolve our rules at the outset will be recorded favorably.

The VICE PRESIDENT. The Chair must note for the Senator that the procedural motion that is before the Senate, on which the Chair intends to make a ruling if a majority or even though two-thirds vote in the affirmative, is designed for one purpose: To permit the Senate to amend its rules by a resolution that requires three-fifths instead of two-thirds.

There is a constitutional interpretation by the Chair, which he is entitled to make as the Presiding Officer, as one who has taken an oath to uphold the Constitution, that in the opening of a new Congress a majority can effectively set its rules, and that a Senator can raise questions of a constitutional nature which can be placed before this body for its decision.

Mr. HART. I thank the Chair.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, in accordance with Public Law 85–874, appoints the Senator from Texas (Mr. YARBOROUGH) to the National Cultural Center Board.

The Chair, in accordance with Senate Resolution 281 of the 90th Congress, appoints the Senator from Massachusetts (Mr. KENNEDY) to the Select Committee To Study the Unmet Basic Needs Among the People of the United States, to replace the Senator from Pennsylvania, Mr. Clark, retired.

The Chair, in accordance with Senate Resolution 223 of the 90th Congress, appoints the Senator from Indiana (Mr. HARTKE) to the Special Committee on Aging.

AMENDMENT OF RULE XXII

The Senate resumed the consideration of the motion of the Senator from Michigan (Mr. HART) to proceed to consider the resolution (S. Res. 11) to amend

rule XXII of the Standing Rules of the Senate.

Mr. THURMOND. Mr. President, I had intended to speak to the merits of this subject this afternoon; but in view of the intended ruling of the Chair, I shall make some remarks concerning the intended ruling of the Presiding Officer on this subject.

I have always been fascinated by the study of government. I have been especially fascinated by a study of the Senate, in reading the Hayne-Webster debates and in reading the speeches of John C. Calhoun, Daniel Webster, Henry Clay, and others. I have gained tremendous respect for the Senate because it has always been considered as the greatest deliberative body in the world.

If the rule as enunciated by the Vice President today is adopted, the Senate, in my judgment, will be destroyed as the world's greatest deliberative body. I believe this is the first time in the history of the Nation that any Presiding Officer—and I say this with all affection for the distinguished Presiding Officer—has ruled as the Presiding Officer today has ruled.

Our Government has been in existence for 180 years. George Washington became President in 1789, following the adoption or the ratification of the Constitution by nine States in 1788. For 180 years this Government has operated. But today the ruling of the distinguished Vice President is, in my opinion, going to do more to destroy the U.S. Senate as we have known it, and as it has been conceived by students of government, than any other action that has ever taken place in the history of the United States. I am sure the distinguished Presiding Officer does not intend that.

The Vice President, as a former Senator, has sat as a member of this body. He understands the workings of the Senate. Possibly he feels that changes should be made. But it is most unfortunate that he has taken the position he has taken today by saying that section 2 of rule XXII is unconstitutional, in his judgment, and that, therefore, he intends to rule and so, in effect, change the rulings and change the rules the Senate has made by 100 Members of this body, and take unto himself the authority to construe the rule in such a way as is equivalent to rewriting the rules of the Senate, and even rewriting the Constitution as Members of the Senate have construed the Constitution in following this rule.

When our Constitution was written, it was written to provide the greatest measure of freedom to the people of this country. It was written to protect the oppressed, to protect the minority. In instance after instance, there were written into the Constitution provisions under which the majority could not prevail. I shall cite only a few of them now, but there are many.

Article I, section 3, provides that no person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present. A majority of Senators cannot impeach another Senator; two-thirds are required.

Article I, section 5, provides that each House, with the concurrence of two-thirds of its Members, may expel a Member. Even in the House it takes two-thirds to expel a Member, although ordinarily the House can do almost anything by a majority vote.

Article I, section 7, provides that a bill returned by the President with his objections may be repassed by each House by a vote of two-thirds. Even though both bodies have passed the bill, if the President vetoes it, both bodies can pass the bill again only by a vote of two-thirds to override the President, because the President says, "Stop, look, and listen," and gives his reasons for vetoing the bill. All this in an effort to protect the minority.

Article II, section 2, provides that the President shall have authority, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. In other words, the President of the United States, with all his power as Chief Executive, all the power vested in him by the Constitution of the United States, cannot make a treaty with another nation unless the Senate—not a majority of the Senate, but two-thirds of the Senate—confirms that treaty.

Amendment XII to the Constitution provides that when the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union. In other words, a majority of the Member or Members from a majority of the States is not sufficient. There must be a quorum of a Member or Members from two-thirds of all the States of the Nation for this purpose.

Amendment XII also provides that a quorum of the Senate, when choosing a Vice President, shall consist of two-thirds of the whole number of Senators. In other words, a majority of the U.S. Senate cannot choose a Vice President.

I am amazed, then, that the Vice President would say that a rule that has been made by the Members of this body, by the Members of the U.S. Senate, is unconstitutional because it requires two-thirds to bring a debate to a close. I am amazed that the Vice President would make this ruling. I am amazed because if this ruling is effected and becomes a precedent—and it would be a precedent, because it would be the first time in the history of this Nation that a Presiding Officer had ruled in this way—then why cannot, 2 years from now, the Senate come back and instead of advocating three-fifths or 60 percent of the Members to stop debate, change it to 51 percent? Why can they not change it to a bare majority, a raw majority?

Mr. President, we are getting away from the Constitution. We are getting away from the great Government of the United States which has provided checks and balances and has provided means to protect the minorities. If a majority in the Senate can change the rules every 2 years on this point, why can they not change any other rule they wish?

Does the Vice President mean that section 2 of rule XXII is unconstitutional and is not valid? What about some other Vice President saying that rule XXIII or rule XXXVI is invalid and therefore does not apply?

Is the Senate going to allow a Vice President to write the rules for the Senate? Is the Senate going to allow a Vice President to undo the rules of the Senate? Is the Senate going to allow a Vice President, who is not a member of the legislative branch but of the executive branch, to come in and undo the rules of the U.S. Senate which have been established by the U.S. Senate?

Mr. President, I am deeply concerned. I am gravely concerned. I feel a grave responsibility in this question, and I hope every other Member of this body does; because, if a Vice President can rule in such a way every 2 years with regard to changing these rules, it will not be long before the Vice President can rewrite the entire rules of the Senate.

I would say to the new Members who have come to the Senate this year from the House of Representatives, who have come here expecting to join a deliberative body, not a body where they can speak for only 2 or 3 minutes or 5 or 10 minutes, who have come here expecting to enjoy unlimited debate, who have come here to join the greatest deliberative body in the world, that if this ruling is affirmed and if it goes into effect, they have not joined the greatest deliberative body in the world, because this ruling will destroy the Senate as the greatest deliberative body in the world.

I hope that the Presiding Officer, between now and Thursday, will reconsider this matter. I hope for the sake of the United States, I hope for the sake of the rules of the Senate of the United States, and I hope for the protection of the minorities in this country that the Presiding Officer would respectfully review his intended decision and not rule as he has indicated. I appreciate his saying ahead of time what he thinks he will do, but sometimes we all need to pause. No man is infallible, whether he is President, Vice President, Senator, or what not. We all make mistakes. Sometimes when we see we are about to make a mistake, if some friend or a Senator or someone else can cause us to think over the question and review the question and reappraise the question, it can be highly advantageous, when such a vital constitutional question is concerned, a question which is most important to the welfare of this Nation.

I know of the Vice President's interest in minorities, I know of his humanitarianism, and I know of his affection for people. I hope that, in the goodness of his heart, he will reconsider this matter. I hope that between now and Thursday he will conclude that his previous stand in this matter was the right stand to follow, not the one he has indicated today. I hope he will decide that, for the sake of the Senate being a continuing body and for the sake of abiding by the rules of the Senate, which he alone did not write and which he alone should not destroy, he will permit the Senate to make these rules, and that he will permit the Senate to decide whether they are unconstitutional.

I hope that the Vice President, when he goes out of office, will have the satisfaction of feeling that he did not take

a step which helped to bring destruction to a body in which he has served and for which he has great respect. I hope that between now and Thursday he will have the opportunity to do this.

Mr. CHURCH. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Rhode Island (Mr. PELL) be added as a cosponsor of Senate Resolution 11.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Mr. President, let me just say that I believe the Presiding Officer is to be commended for having placed this issue squarely before the Senate and for having done so in a manner that gives full notice to all Senators as to precisely what the issue is that we shall vote upon on Thursday.

Fundamentally, Mr. President, the question is one of giving effect to what many of us believe to be the constitutional right of the majority to act in formulating the rules of the Senate at the commencement of a new Congress.

Much has been said about special provisions in the Constitution requiring more than a majority. For example, reference has been made to the two-thirds vote of the Senate required for the ratification of treaties and the two-thirds vote requirement of both Houses in the case of constitutional amendments. However, no such requirement can be found anywhere in the Constitution when it comes to changing the rules.

The Constitution expressly provides that each House may determine its own procedures, and the precedents have consistently held that each House may do so by majority vote. The Chair is simply trying to give effect to this constitutional provision, by opening the way for a majority to assert, if it will, its prerogative in the matter of determining what the cloture rule will be for the next 2 years.

I have listened to the outcry about destroying the Senate as a great deliberative body. Well, Mr. President, the adoption of a three-fifths cloture rule won't destroy the essential character of the Senate; it won't place in jeopardy the right of extended debate. We have filed a cloture petition in order to get to a vote on the motion to take up this three-fifths rule, so that the Senate can then proceed to debate the proposition on its merits.

I hope that all Members of the Senate understand that the course we adopt is the only one that the majority can enable to assert its prerogative under the Constitution of the United States. How the majority then decides to shape the rule relating to cloture is a different question. I, for one, would feel it unwise for the Senate to adopt a majority cloture rule. I have said so before. That has consistently been my position.

I favor the adoption of a three-fifths rule, but I believe in the unfettered right of the majority to decide that question. To those who say that this is an extraordinary procedure; that we ought to make our effort to change rule XXII, while remaining subject to its present restrictions, I can only reply that this has been tried, again and again, utterly to no avail. If the majority is not to be blocked, it must assert its right directly under the Constitution itself.

I commend the distinguished Presiding Officer for the action he proposes to take. I hope the Senate will proceed on Thursday to give effect to his proposal by invoking cloture through the vote of the majority, and by then voting to sustain the Chair.

(At this point Mr. GRAVEL took the chair as Presiding Officer.)

THE JAPANESE AND ECSC VOLUNTARY STEEL IMPORT LIMITS—SOME RESERVATIONS

Mr. HARTKE. Mr. President, agreement has now been reached between the major steel producers in Japan and the European Coal and Steel Community, whose shipments to this country constitute about 82 percent of our steel imports, to limit their exports of steel mill products to the United States on a voluntary basis through 1971. The overall level of restraint for 1969 is reported to be 14 million net tons, which is about 4 million tons less than the shipments in 1968, but substantially higher than those of any other previous year.

It is hard to quarrel with the need for restraint. Restraint can either be voluntary or mandatory. Of the two, the former is preferable to the latter if it can achieve the necessary degree of restraint required. And while I view the voluntary commitments of the major steel producers in Japan and the European Coal and Steel Community as a salutary step toward a meaningful resolution of the overcapacity in world steel production, there are several problems with the commitments which cause me to have reservation.

First, the overall level constitutes over 13 percent of domestic shipments, which is not very much restraint at all. Only last year, when imports climbed to a record level of 18 million tons, did the steel industry in this country experience a higher level of import penetration than they will feel under the voluntary quotas which certain foreign producers have agreed to.

Second, the voluntary agreement calls for a growth in steel imports of 5 percent a year. This raises at least two problems: the 5-percent growth factor is substantially higher than the average annual growth in domestic shipments since 1958; and, if average growth of domestic shipments should remain at their historic rate—or for some reason should fall—the growth in foreign imports would capture an ever-increasing share of the domestic steel market.

Third, the agreement leaves out some important producers among the EFTA countries in Europe and Canada, and some in the Far East who might be tempted to take advantage of the voluntary restraint of others by increasing their share of the U.S. market. This, of course, would undermine the whole agreement.

Fourth, the possibility that foreign producers will ship more sophisticated steel into this market, while still staying within the overall restraint limits by reducing their shipments of lower priced, more basic, steel, would constitute a serious loophole in the voluntary restraint and not help the U.S. steel industry or the balance of payments of this country. Even though the letters by the foreign producers indicate they will try not to change the product mix, the temptation to do so is there, and if given in to, would not serve in our national interests.

Finally, foreign producers have placed certain conditions for their restraint which need clarification. Obviously, if the Congress enacts a mandatory quota on steel imports, such as the one I introduced in the last Congress, there would be no need for a voluntary restraint arrangement. Therefore, it is nonessential to make as a condition that the United States would not impose mandatory quotas. The letter of undertaking by Japanese producers which was graciously sent to our State Department, indicated that the voluntary restraint is premised on the assumption that "the United States will take no action, including increase of imports duties, to restrict Japanese steel mill product exports to the United States." The European producers statement is based on the assumption "that the United States will take no action to restrict ECSC steel mill products to the United States like: First, quota systems; second, increase in import duties; and third, other restrictions on the import of steel mill products to the United States."

The steel industry has filed complaints under the countervailing duty statute which have nothing to do with quotas, but deal with foreign export subsidies. Therefore, any positive action by the administering agencies in the form of a special dumping duty or a countervailing duty under these statutes should not affect in any way the need for overall restraint by foreign steel exporters. And, restraint should not affect the decisions made by these agencies under the statutes.

This same principle would also apply to any escape clause actions which might be taken to protect American industry. Such an action is independent of the need for overall restraint.

Moreover, if a special duty or quota were placed on an importation of a product which contains a substantial amount of steel, for example, automobiles, it should not be construed as an obstacle to steel imports within the meaning of the agreement. Any other interpretation could be inimical to the interests of other industries who may merit relief.

The vague language of the agreement in this regard also raises the question of whether the foreign producers would end their restraint if the United States, for balance-of-payments reasons, establish an import surcharge or a border tax. That would not be a restriction specifically directed against foreign steel. In short, we should not permit the voluntary agreements approved by these foreign producers to pressure this country in the administration of its laws, or to forestall any action which we deem advisable and necessary to help our balance of payments.

It is also important to point out that voluntary restraint of steel shipments by the EEC and Japan does not in any way obviate the need for these countries to

eliminate their nontariff barriers against American exports and, in some cases, their restrictions on U.S. foreign investment. On the contrary, removing these obstacles is more imperative than ever.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence from the Department of State relative to the voluntary undertakings for import restraints by the Japanese and ECSC producers. These include a letter from the Department of State, dated January 14, 1969, signed by Secretary of State Dean Rusk, addressed to the chairman of the Senate Finance Committee; a memorandum to the Secretary of State from the Japan Iron & Steel Exporters' Association dated December 23, 1968; and a letter to the Secretary of State from the ECSC Steel producers, dated December 18, 1968, signed by various personalities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., January 14, 1969.

HON. RUSSELL D. LONG,
Chairman, Finance Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: The President has asked me to transmit to you communications received from the steel industry of Japan and the steel industries of the European Coal and Steel Community (ECSC) expressing the intentions of these industries to limit their exports of steel mill products to the United States in the years 1969 through 1971.

We estimate that as a result of the export limitation of the Japanese and ECSC producers, which together provide about 82 percent of our steel imports, total imports will amount to about 14 million net tons in 1969, about 14.7 million net tons in 1970 and about 15.4 million net tons in 1971. Other major foreign producers have not formally offered to cooperate in the voluntary export limitations but, as a practical matter, are expected to maintain their exports at levels which yield the estimates stated above.

Sincerely yours,

DEAN RUSK.

MEMORANDUM: STATEMENT OF THE INTENTION OF THE JAPANESE STEEL INDUSTRY, DECEMBER 23, 1968.

To: The Honorable Secretary of State, Washington 25, D.C., U.S.A.

From: Yoshihiro Inayama, Chairman, Japan Iron & Steel Exporters' Association.

Subject: Statement of the Intention of the Japanese Steel Industry.

1. With the desire to assist in the maintenance of an orderly market for steel in the United States, the nine leading steel companies of Japan, namely, Yawata Iron & Steel Co., Ltd., Fuji Iron & Steel Co., Ltd., Nippon Kokan Kabushiki Kaisha, Kawasaki Steel Corporation, Sumitomo Metal Industries, Ltd., Kobe Steel Works, Ltd., Nisshin Steel Co., Ltd., Osaka Iron & Steel Co., Ltd., and Nakayama Steel Works, Ltd. gave assurances in their statement of July 5, 1968 that their steel mill product shipments from Japan to the United States would not exceed 5.5 million metric tons during Japanese fiscal year 1968. These nine companies account for approximately 85 percent of all Japanese steel mill products shipped to the United States. In the light of subsequent events and as a result of discussions concerning this matter with the representatives the Government of the United States of America, they now want to make a new statement to the following effect.

2. With greater understanding of market conditions for steel in the United States, and with the cooperation of the medium and small steelmakers of Japan which account for the remaining 15 percent of shipments to the United States, the same nine leading steel companies wish to state their intention, subject to measures permitted by the laws and regulations of Japan, to limit the Japanese shipments of steel mill products to the United States to a total of 5,750,000 net tons during calendar year 1969.

2. During the subsequent two calendar years (through 1971), it is also their intention to confine the Japanese shipments within limits which would represent, at most, a 5 percent increase over 5,750,000 net tons in 1970 and over 6,037,500 net tons in 1971, depending upon demand in the United States market and the necessity to maintain orderly marketing therein. During this period the Japanese steel companies will try not to change greatly the product mix and pattern of distribution of trade as compared with the present.

4. This statement is made upon the assumptions: i) that the total shipments of steel mill products from all the steel exporting nations to the United States will not exceed approximately 14,000,000 net tons during 1969, 105 percent of 14,000,000 net tons in 1970, and 105 percent of 14,700,000 net tons in 1971, ii) that the United States will take no action, including increase of import duties, to restrict Japanese steel mill product exports to the United States, and iii) that the above action by the Japanese steel companies does not infringe upon any laws of the United States of America and that it conforms to international laws.

YOSHIHIRO INAYAMA,
Chairman, Japan Iron & Steel Exporters' Association.

DECEMBER 18, 1968.

The Honorable SECRETARY OF STATE,
New State Building,
Washington, D.C.,
U.S.A.

Sir: The associations of the steel producers of the ECSC united in the "Club des Sidérurgistes", to wit:

Associazione Industries Siderurgiche Italiane ASSIDER, Milan represented by Prof. Dr. Ernesto Manuelli;

Chambre Syndicale de la Sidérurgie Francaise, Paris represented by the President, Mr. Jacques Ferry;

Goupement des Hauts Fourneaux et Aciéries Belges, Brussels represented by the President, Mr. Pierre van der Rest;

Goupement des Industries Sidérurgiques Luxembourgeoises, represented by the President, Mr. René Schmit/Luxembourg;

Vereniging de Nederlandse Ijzer-en Staalproducerende Industrie, represented by Mr. Evert van Veelen/Ijmuiden; and

Wirtschaftsvereinigung Eisen-und Stahlindustrie, Dusseldorf represented by the President, Bergassessor Dr. Hans-Günther Sohl.

Referring to the repeated talks they have had in this matter with representatives of the Government of the United States in behalf of the sustenance of liberal international trade in steel and to assist in the maintenance of an orderly market for steel in the United States declare the following:

(1) It is their intention to limit the total ECSC deliveries of steel mill products, i.e. finished rolled steel products, semis, hot rolled strip, tubes, and drawn wire products, to the United States to 5,750,000 net tons during the calendar year 1969.

(2) It is also their intention in the calendar years 1970 and 1971 to confine their deliveries within limits which would at the utmost represent for the year 1970 a five percent increase over 5,750,000 net tons and for the year 1971 a five percent increase over 6,037,500 net tons.

During the named periods the ECSC producers will try to maintain approximately the same product mix and pattern of distribution as at present.

This statement is based on the assumption:

(A) that the total shipments of steel mill products (finished rolled steel products, semis, hot rolled strip, tubes, and drawn wire products) from all the steel exporting nations to the USA will not exceed approximately 14 million net tons during 1969, and five percent over 14 million net tons in 1970, and five percent over 14.7 million net tons in 1971, and

(B) that the United States will take no action to restrict ECSC steel mill product exports to the USA like (a) quota systems; (b) increase of import duties; (c) other restrictions on the import of steel mill products to the USA.

This proposal of the ECSC steel producers is made provided that it does not infringe on any laws of the United States and that it conforms to international laws.

ERNESTO MANUELLI.
PIERRE VAN DER REST.
EVERT VAN VEELEN.
JACQUES FERRY.
RENÉ SCHMIT.
HANS-GÜNTHER SOHL.

FAREWELL TO THE ELECTORAL COLLEGE

Mr. CHURCH. Mr. President, on November 5 last, our Nation went to the brink of a serious constitutional crisis. As millions of Americans watched the tabulation of popular and electoral college votes, the possible instability and danger inherent in our antiquated electoral system nearly materialized.

On November 23, 1968, a Gallup poll was released which showed, strikingly, that the people wish, never again, to face that possibility; 81 percent of the American people were shown to be in favor of the direct popular election of the President and Vice President of the United States. It is apparent that a well-educated and politically sophisticated electorate is demanding the right to directly choose their President. They feel, as do I, that the people are the only legitimate power brokers in a democracy.

On November 23, 1968, an excellent editorial, written by Richard L. Tobin, appeared in the Saturday Review. The article sets forth the basic arguments for the abolition of the electoral college system. It deserves the attention of every Member of the Senate and, indeed, every American.

I ask unanimous consent, Mr. President, that the editorial to which I refer, "Farewell to the Electoral College," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAREWELL TO THE ELECTORAL COLLEGE

Framers of the Constitution envisioned the Electoral College as a sort of elite gathering in which persons of the highest caliber would participate. These electors, the Constitutional Convention believed, would meet soon after the November vote to discuss and evaluate the merits of various candidates for President. Each elector would vote for two persons for President, and the man with the highest number of electoral votes would become President and the runner-up Vice President. In casting their ballots, the electors were expected to reflect the views of the people as expressed in the quadrennial vote, but they would not be bound by that vote. In other words, the office of President was too precious, too elevated, to be left to

the whim of the common man, though he could express his preferences.

The design of the framers of the Constitution was never really carried out. No one needed to deliberate over the choice for President when George Washington was the candidate, and by 1800, the nation had an incipient political party system which had not been foreseen or even contemplated. With political parties came the end of the idea of an independent elector chosen among the elite. The pledged elector, instructed to vote for a certain party candidate, reflected a publicly announced slate of names bound to vote a certain way in the Electoral College. The independent role of the several states grew with each election, and any idea of a President elected by a democratic majority of the total vote of the American people gradually faded into the complex and unworkable Electoral College system we are now saddled with—unworkable and explosively dangerous.

Last month, the *Fordham Law Review* published a thoroughgoing study of the Electoral College—and why it should be abolished—a study so sharply expressed and logically presented that it bears quotation here. The critique points out that while the United States has been lucky in the caliber of its Presidents and fortunate to have avoided a Constitutional crisis because of the dangers and defects of the Electoral College, experience dictates immediate attention to the matter before it spells chaos and disaster. There is little doubt in any rational mind by now, especially after November 5, that the Electoral College poses a serious threat to the stability of our Presidential system.

To win the Presidency a man needs only a majority of electoral, not popular, votes. Such a majority is quite possible without a plurality of the total popular vote. Indeed, on fifteen occasions we have elected a President who did not have a plurality. In three Presidential elections we denied the White House to a man who had actually drawn more than half the popular vote. In 1876, Governor Samuel J. Tilden of New York, for example, polled 250,000 more votes than Rutherford B. Hayes or 51 per cent of a total vote of just over 8,000,000, but the Republican became President through the idiotic mathematics of the Electoral College system coupled with post-Civil War political chicanery. In 1824, Andrew Jackson polled 155,000 votes to 105,000 for John Quincy Adams, but when Jackson did not have the required majority in the Electoral College, the election went to the House of Representatives, and after corrupt bargaining Adams was picked for President over a candidate who had polled half again as many popular votes.

As the Fordham survey says, it is in fact possible for a candidate to win a majority of the electoral votes with considerably less than one-fourth of the total popular vote. "If a candidate were to win a plurality of the popular votes in eleven large states plus one other state," it adds, "he would have a majority of the electoral votes even if he received no popular votes in the remaining thirty-eight states. This is an extreme example but it serves to underscore the anomaly."

The matter of disproportion spills over into the states, moreover, due to the fact that each state is entitled to at least three electoral votes. That means there is one electoral vote for every 75,000 voters in Alaska, one for every 260,000 votes in Arizona, one for every 330,000 votes in Virginia, and one for every 400,000 in California. But the advantage of living in a tiny state doesn't last long when one realizes that a voter in Alaska, Nevada, Delaware, Vermont, or Wyoming can influence only three electoral votes while a single voter in New York can influence the distribution of forty-three electoral votes. Nothing, indeed, makes much sense about the Electoral College any way you look at it, but worst of all, it is not truly democratic.

Resentment, unrest, public clamor for reform of the Electoral College would surely have followed the crisis we barely avoided after November 5. As television shrinks the country and draws each state nearer every other state in common problems, reactions, and solutions, something as antique as the Electoral College is simply a form of political Russian roulette, dangerous and potentially disastrous to our nation. On the other hand, if we are to go to a straight popular vote for President and Vice President we shall need federal safeguards to watch local balloting more closely. There are those who will never be convinced that Mayor Daley's Chicago vote which gave Kennedy the election over Nixon in 1960 by just over 8,000 votes was a legitimate count, and something along these lines seemed in prospect in Illinois for a while even this November. But with careful federal surveillance there is no logical reason why the Presidential election of 1972 should not be left to the total popular vote of the American people. We should not have to depend upon tricky and antiquated procedures in electing a man to the most powerful office in the world.

RECESS UNTIL 8:30 O'CLOCK P.M. TODAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate stand in recess until 8:30 o'clock p.m. today.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate took a recess until today, January 14, 1969, at 8:30 o'clock p.m.

At 8:30 p.m., under the previous order, the Senate was called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

Mr. MANSFIELD. Mr. President, at a quarter to 9 the Senate will proceed in a body to the Hall of the House of Representatives. It is my understanding that at that time the business of the Senate will in fact be concluded, and that at the end of the President's address, the Senate automatically, under the previous order, will stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 1)

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives for the joint session.

Thereupon (at 8 o'clock and 42 minutes p.m.), the Senate, preceded by the Secretary of the Senate (Francis R. Valeo), the Sergeant at Arms (Robert G. Dunphy), and the Vice President, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States on the state of the Union.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9 o'clock and 56 minutes p.m. the Senate took a recess until tomorrow, January 15, 1969, at 12 o'clock meridian.

CONFIRMATION

Executive nominations confirmed by the Senate January 14 (legislative day of January 10), 1969;

U.S. COURT OF MILITARY APPEALS

William H. Darden, of Georgia, to be a member of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1976.

HOUSE OF REPRESENTATIVES—*Tuesday, January 14, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear the Lord and serve him faithfully with all your heart; for consider what great things He has done for you.—1 Samuel 12: 24.

O Lord, grant unto us to so love Thee with all our minds, with all our hearts, with all our strength, and our neighbors as ourselves, that the grace of brotherly love may dwell in us, that all harshness and ill will may die and our hearts be filled with compassion and love. Thus may we rejoice in the happiness and good success of others by sympathizing with them in their sorrows, by ministering to them in their needs, and by helping them in their efforts for a greater life with dignity and self-respect.

Keep ever before us the shining goal of a greater nation and a better world seeking the way to peace and the road to freedom for all.

Incline our hearts with godly fear
To seek Thy face, Thy word revere;
Cause Thou all wrongs, all strife to cease,
And lead us in the paths of peace.

In the dear Redeemer's name we pray. Amen.